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ANNUAL REPORTS

OF THE

WAR DEPARTMENT

FOR THE

FISCAL YEAR ENDED JUNE 30, 1900.

REPORT OF THE

LIEUTENANT-GENERAL COMMANDING THE ARMY.

IN SEVEN PARTS.

PART 2.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1900.

ARRANGEMENT OF THE ANNUAL REPORTS OF THE WAR DEPARTMENT
• FOR THE YEAR ENDING JUNE 30, 1900,

VOLUME I. Parts 1-13.—Report of the Secretary of War and all other reports except those of the Chief of Engineers and the Chief of Ordnance.

VOLUME II. Parts 1-8.—Report of the Chief of Engineers.

VOLUME III. Report of the Chief of Ordnance.

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- Board of Ordnance and Fortification.
- Commissioners of National Military Parks:
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 - Gettysburg.
 - Shiloh.
 - Vicksburg.
- United States Military Academy, West Point, N. Y.:
 - Board of Visitors.
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- Soldiers' Home, District of Columbia:
 - Board of Commissioners.
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- National Home for Disabled Volunteer Soldiers.

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- Quartermaster-General.
- Acting Commissary-General of Subsistence.
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**REPORT OF BRIGADIER-GENERAL WILLIAM LUDLOW, U. S.
ARMY, MILITARY GOVERNOR OF HABANA, AND
COMMANDING DEPARTMENT OF HABANA.**

REPORT
OF
BRIGADIER-GENERAL WILLIAM LUDLOW, U. S. ARMY,
MILITARY GOVERNOR OF HABANA,
AND
COMMANDING DEPARTMENT OF HABANA.

LETTER OF TRANSMITTAL.

WASHINGTON, D. C., *June 1, 1900.*

The ADJUTANT-GENERAL U. S. A.,
Washington, D. C.

SIR: The Military Department of Habana, which was constituted by direction of the President in General Orders, No. 191, Headquarters of the Army, A. G. O., Washington, December 30, 1898, was discontinued as of date May 1, 1900, pursuant to the following order, which also terminated the duties and responsibilities with which I was intrusted by the President in General Orders, No. 184, Headquarters of the Army, A. G. O., Washington, December 13, 1898, wherein I was designated as the military governor of the city of Habana, and charged with all that related to the collection and disbursement of the revenues of the city, and its police, sanitation, and general government:

GENERAL ORDERS, }
No. 47. }

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 9, 1900.

The following order has been received from the War Department:

"WAR DEPARTMENT, *Washington, April 9, 1900.*

"By direction of the President the Department of Habana and the department of the province of Habana and Pinar del Rio will be consolidated on May 1, 1900, under the designation of the Department of Habana and Pinar del Rio. Brig. Gen. Fitzhugh Lee, United States Volunteers, is assigned to the command of the department, with headquarters at Quemados.

"In discontinuing the Department of Habana, constituted by the order of December 13, 1898, the President desires to express his high appreciation of the faithful and efficient service rendered by Brig. Gen. William Ludlow as military governor of Habana during the existence of the department. The maintenance of order attending and following the withdrawal of the Spanish forces, the organization of city government, the great reform of sanitary conditions resulting in the reduction in the death rate and exemption from epidemics reflect credit upon the responsible officer in command and his assistants, and upon the peace-loving and law-abiding people of the city of Habana.

"ELIHU ROOT, *Secretary of War.*"

By command of Major-General Miles:

H. C. CORBIN,
Adjutant-General.

It is a matter of profound gratification to all concerned that the President has taken occasion publicly to indicate his satisfaction with

the services of the officers upon whom was imposed the difficult task of reorganizing the city governments of Habana and the neighboring cities and the inauguration and conduct of the administrative and sanitary reforms and measures which were essential to the immediate and future welfare of the important communities concerned.

It is also both just and graceful that the President includes in his expressions of appreciation the peaceful and law-abiding conduct of the people themselves, whose cordial aid was indispensable to success in the difficult and perilous conditions out of which the desired results were to be developed.

In this connection I beg to include the following from my final order No. 7, of May 1, announcing the discontinuance of the department:

In terminating his duties in connection with the organization and administration of the affairs of the city and Department of Habana, the undersigned wishes to express his profound sense of obligation for the unvarying support and cooperation given him by the citizens of Habana, Guanabacoa, Regla, and Santa Maria del Rosario, and the cordiality and confidence with which at all times and at every stage from the original taking over of the responsibilities of government to the present time they have extended that advice and assistance without which the full measure of advantageous results that have been secured and maintained would have been impracticable of accomplishment.

In particular, the undersigned wishes to make most sincere and earnest acknowledgment to the officers of the department staff for the fearlessness, the industry, and the fidelity with which their difficult and dangerous duties have been discharged in circumstances involving incessant labor and calling for the exercise of a high order of professional and executive ability.

The undersigned takes leave of Cuba with the best wishes for the happiness and prosperity of its citizens, and in the full conviction that with patience, industry, civic virtue, and wise counsels the future of the island will be one of continuing development of its unparalleled natural resources and wealth.

The accompanying reports of the adjutant-general, the chief surgeon, and the judge-advocate will give the particulars as to the composition, the health, and the condition of the garrison during the year. The health of the command has been excellent, and its discipline and efficiency, under the administration of Colonel Haskin, commanding, and his officers, of the Second Artillery, leaves little to be desired. The officers and men have earned commendation for their good conduct and attention to duty.

My annual report for the last fiscal year covered the period from December 23, 1898, to July 1, 1899, and the present report continues the history of the Department of Habana to its close on May 1, 1900.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A.

GENERAL.

The following is an extract from a special report made under date of September 15, 1899, subsequent to the preparation of the regular annual report, and is incorporated as part of the official record:

REPORT.

Habana is both the political and commercial capital of the island, and the greatest point of concentration of population and business interests.

It is the main port of entry and departure for passengers and freights, and its shipping movements and customs transactions far exceed those of all other ports combined.

The Department of Habana includes the municipality of Habana lying west and south of the bay, with a population of about 240,000,¹ and the municipalities of Regla, Guanabacoa, and Santa Maria del Rosario, lying eastward from the harbor, with populations aggregating within the department limits about 30,000.

The total population is therefore about 270,000¹ within an area between the Almendares River on the west and south and the Cojimar River on the east of about 55 square miles.

This area is partly a densely populated city, such as Habana and Regla, partly a less concentrated town population such as Guanabacoa, partly suburban and partly rural.

The suburban and rural areas, as usual in the vicinity of large cities, are mainly devoted when under cultivation to pasture, forage crops, and market gardening, no cane or tobacco being raised.

The industrial, economic, and social conditions in the Department of Habana are therefore widely different from those of the larger departments embracing entire provinces, in which the principal interests are agricultural and the like; whereas in this department general commercial interests predominate, and banking, importing, distributing, and shipping, with local shopkeeping and the innumerable requirements of a large centralized population, constitute the industries and occupations of the people. With the exception of the great tobacco establishments for making cigars and cigarettes, of which there are several, Habana is to but a limited extent a manufacturing city, although in Regla and Casa Blanca are machine shops of considerable importance.

In view of the census now in process of organization, and of which the results are to be recorded within two or three months, it is not assumed that full and definite particulars as to industries, occupations, and values are required for the purposes of this report. The census will furnish the detailed data on these subjects, and the custom-house records, which are not within my official purview, will give the specific and general movement of imports and exports and customs collections.

This report will, therefore, relate to such matters and considerations as may serve to give a general idea as to the results of the American occupation since January 1, 1899, and in seeking to do this in some intelligible manner, there are two difficulties encountered at the outset, viz: first, the special status of Habana as the commercial emporium of the island, and, second, the peculiar conditions existing both in Habana and in the island at the beginning of the year.

Since Habana is the heart and center of movement, of which the island generally is the body and members, it results that the prosperity of Habana largely depends upon the vigor and life of the provinces. So that while a certain energy of movement and an apparent condition of activity could exist temporarily in the city, these could not be maintained and strengthened unless the provinces were thriving and their vitality deepening and expanding. A consideration, therefore, of the existing conditions and immediate prospects of the general interests of Cuba, could alone be relied upon to form a judgment as to the real conditions, industrial and economic, existing in the metropolis and presently to develop either into an augmented vigor of investment and commercial uses of money, or into a depression that should look to a general rehabilitation of industry and returns for its determinate and sustained prosperity.

The second difficulty above referred to is, that commercially there can be no comparison properly between the circumstances at the beginning of the year and those of the present. The conditions existing in December and January last have been set forth in my annual report recently submitted, to which I beg to refer for considerable detailed information which would be of value in this connection.

There had been three years of warfare, the city had been blockaded for several months, it was heavily garrisoned by Spanish troops, and the civil governmental and administrative methods and requirements were, and for a long period had been, subordinated to military needs and purposes. All general business, investments, imports, even that of food, had been impracticable for the greater portion of the year. The Spanish, in evacuating the city, left it bankrupt and prostrate, with an empty treasury, the city administration a wreck, and the population perishing by wholesale.

The commonest and most imperative requirements of a city government were abandoned—to clean the streets, rescue the dying, even to bury the dead. The local

¹ Population data corrected from census.

machinery was broken and paralyzed, lacking essential parts, and even the initial power with which to get itself together. Within thirty days of the American control all this had been amended. No one was starving or abandoned; with nourishment came strength to work, and work was given. The streets were cleaned, refuse removed, sanitary and hygienic laws and regulations enforced, the hospitals and charitable institutions equipped and put in operation, the ailing and homeless provided for, a complete city government of new material established and set in effective and economical running order, a police force—mounted for the rural area, and metropolitan for the city—created, drilled, and put at work, financial affairs regulated, salaries and employments reduced, simplified, and organized. Everywhere cleanliness inculcated and enforced, honesty and disinterested service established as standards, investigations set on foot to study financial conditions, methods of collection and accounting, and means to augment revenue and diminish expense.

For the first time, probably, in its history Habana had an honest and efficient government, clean of bribery and peculation, with revenues honestly collected and faithfully and intelligently expended. And this with native material, men who had no previous experience in public administration, and relying for the results of their labors mainly upon their own integrity and intelligence, with the aid, advice, instruction, and encouragement of the American authorities.

These conditions have endured to the present with constant betterments and no backward steps or lapses. It is true the city is still practically bankrupt, inasmuch as it has to obtain from the customs revenues large sums monthly for the engineering and sanitary work, which is made imperative by the neglect of centuries and in which not only Habana alone, but the entire island and the United States as well are vitally interested.

The results are of record in the health statistics, of which the details are given in my annual report. A general death rate, already below the average, exclusive of the war period of frightful losses, and still falling rapidly until it has reached substantially the normal point of large cities in the United States; a yellow fever record unexampled for its low mortality in the history of a century, and with daily endeavor persistently and energetically directed toward the elimination of an endemic disorder that has made Habana a terror to other cities doing business with it, so that now Habana is taking precautions to protect itself against the importation of yellow fever from Gulf ports of the United States as well as from other Cuban and Mexican ports.

There is no means of estimating how many thousands of lives have been saved during the period of the American occupation, partly by outright rescue with food and medicines, partly by giving work and employment to the destitute, and partly by the reduced death rate from improved hygienic and sanitary conditions affecting the entire population, and these conditions would in part at least remain even if the administration and control were to end at once, for it is probable the most valuable result attained is the demonstration to a people quite uninstructed in such matters of the methods and principles according to which a proper civil administration must be conducted, and of the value of intelligence and integrity in public affairs as directly affecting their own lives and interests and those of their children. They are quick of apprehension, these people, and prompt to perceive in such matters what it is to their material interests to observe. The initial impulse that has been given would continue for a long time and continue to bear fruit even were the original force and energy withdrawn, if only it could be so arranged and ordered that the practical direction of affairs should be permanently and reliably vested in the serious and responsible elements of the community. In this contingency, however, lies the deep-seated peril of the political situation upon which all other questions, economic, commercial, and administrative, ultimately depend. There is a vast amount of illiteracy in the island, and there are likewise elements, even less trustworthy, who have individual interests to serve or certain political views to forward which have no practical basis either in commercial prosperity or the stability of the insular government. It is the interests of the civilized world at large that must determine the future adjustment of these fundamental considerations, and not the views or opinions of theorists and sentimentalists. With these excluded and the disorderly and selfish elements suppressed, the task of establishing the industries of the island and maintaining a stable and orderly government would be the simplest possible, or otherwise be made impracticable.

It may therefore be held that aside from commercial or industrial considerations merely, the object lesson given by the administrative and physical rehabilitation of Habana that has been effected within a few months constitutes in fact an enormous moral force, the results of which are to a greater or less extent permanent and of incalculable value both in Cuba and elsewhere. Doubtless so intelligent a person as

the educated Cuban has already absorbed this conviction and will adjust his views accordingly, unless dominated by other considerations than those that are essential to prosperity and order; and the Spanish population, whose sole interests lie in the direction of peace and security for life and property, will cordially indorse the serious Cuban view and throw the weight of their influence and means into the scale of good government.

In addition to moral and political considerations there is an economic aspect of the work already effected. For example, what should be the estimated value to the island of Cuba only of the conviction that by proper sanitation alone, rigorously and intelligently enforced, its principal port and the entire island can be converted into a territory or place of residence as safe to inhabit as any part of the United States, and how many more millions of dollars is the island therefore worth to-day than it was on January 1, 1899?

And what, on the other hand, is the value to the United States that a rich and fertile island lying at its doors should be demonstrated capable of redemption from its past status as a center of infection and source of tremendous commercial losses?

There is good reason to believe also that the work done under the American administration in Cuba has gone far toward solving the mystery of the habitat and spread of yellow fever, since apparently the street broom and the disinfection spray pump have attacked the enemy in his lair and paralyzed his activity and virulence of multiplication. Should this prove really to be the fact, as daily seems more probable, a demonstration of incalculable value has been made and the situation robbed of most of its terrors by proof of the practicability of controlling and in the end exterminating the evil by the simplest of remedial agencies.

Again, what shall be estimated as the actual value of the establishment of an orderly and effective government, the suppression of disorder, the safety of the person, the protection of property, the opening of communications, and the rendering of waste places accessible and habitable?

While conditions in these respects have not in the remoter regions been completely adjusted, an immense progress has been made and the principles firmly established, that order will be enforced and violence punished and eradicated.

In Habana the rule of law is practically complete.

The rural districts are as quiet and orderly as in the interior of New England, and in the city, while the average population is as excitable and impulsive as any in the world, quick to take offense and prompt to lose self-control, the conditions in respect of cleanliness and safety are as satisfactory as in the best ordered community anywhere.

These facts must unquestionably be credited in great part to the measures adopted by the American administration, but in saying this, it would be unjust not to credit the inhabitants themselves, Cuban and Spanish, with a willingness to fall in with the purposes of the administration and to further and cooperate with them, rather than oppose and thwart as would have been and was the feeling toward the Spanish Government.

It is perfectly correct to say that unless that cooperation and assent had been freely extended it would have been impossible to attain the results that can now be stated as due to the American administration.

The subsequent developments, as recorded to May 1, 1900, give no cause for modifying the favorable results and conditions stated above, but on the contrary have established the verity of what at that time was matter of hopefulness and encouragement only, converting expectation into certainty and realizing in general the satisfactory outcome of which accumulating experience warranted in us the reasonable anticipation.

EXPENDITURES IN THE DEPARTMENT OF HABANA DURING THE CALENDAR YEAR 1899.

The accompanying schedule shows the total allotments from customs funds, made by the military governor of the island upon requisitions and estimates submitted by the Department of Habana, and how the funds were distributed for expenditure.

The total allotments, less unexpended balances returned, were \$3,965,656.71, of which there remained on January 1, 1900, in the hands of the civil paymaster of the department a balance of \$78,186.83; and of the amount charged to the engineer department, viz, \$2,547,680.96,

there remained January 1, 1900, in the hands of the engineer department paymaster \$307,197.09.

Deducting these unexpended balances, the total expenditures for the year were \$3,580,272.79, of which the engineer department expended \$2,240,483.87 and the other branches of the department administration \$1,339,788.92.

Upon examination of the schedule, it will be observed that several items, viz, 8, 12, and 13, for the state prison, the expenses of the civil governor of the province, and the state asylum for the insane, amounting to \$127,763.34, are for state purposes solely, and are not chargeable to the Department of Habana. A large proportion of the engineer expenditures is also chargeable to the state—as, for example, the harbor works, to cover which the custom-house collects a special tax on shipping which is much larger than the sums expended for the purpose. The customs, however, retain the tax as a general asset. So, also, of large sums expended by direction of the division commander for the repair, reconstruction, and renovation of public buildings belonging to and occupied by the state, and for similar work on several charitable institutions in charge of the state and not of the local authorities. These dispositions were made as a measure of convenience and economy in order to make use of the department organization to do the work, but the cost should not be charged to the expenses of the Department of Habana.

Items 3, 4, and 5 of the schedule, aggregating \$573,950.82, in payment of deficits in the current expenses of Habana, Regla, and Guanabacoa, were due to the abolition of the "ganado" or meat tax, that involved a loss of revenue to the city of Habana of nearly a million dollars and left Guanabacoa almost without any income at all.

The retention of the tax would have met these deficits and left a half million over, that would have paid items 6, 7, and 9, for police, hospitals, and charities, amounting to \$332,500, and the greater part of item 2, of the sanitary department, in addition.

Military requirements also called for considerable sums for the construction, repair, renovation, and sanitation of quarters, storehouses, and offices for the garrison of the city. Among these are item 10, of \$44,155.54, expended by the chief quartermaster of the department, and additional large sums for like purposes by the chief engineer.

The expenses for "sanitation" proper by the engineer department, including street cleaning and repairs, collection and disposal of refuse, repair and renovation of buildings, and the like, amounted to \$1,700,000, and of the sanitary department, excluding maintenance of city establishments and aid to destitute, were \$121,000, making an expenditure during the year 1899 of \$1,820,000 for the sanitation of Habana, Regla, Guanabacoa, and Santa Maria del Rosario and their dependencies, covering a population of 270,000. The heaviest expenditures naturally occurred at the outset, diminishing as the work progressed and became less in amount, and was executed under more orderly and economical conditions, 60 per cent of the expenditures having been made in the first six months and 40 per cent in the remaining six months.

The average monthly expenditures for "sanitation" in the entire Department of Habana, counting street, sewer, and waterworks in this item, were about \$150,000, which represents the cost of redeeming Habana and the neighboring communities in the department from filth, disease, and epidemics.

Could a special local tax have been imposed, the cost of the work would have been met by collecting about 56 cents per month from each individual concerned.

The results as to the public health are shown by the mortuary statistics, elsewhere discussed in this report, in the reduction of the death rate, the suppression of yellow fever, typhoid, and smallpox as epidemics, and the demonstration of the practicability of converting Habana from a notoriously unhealthful and dangerous into a normally safe and salubrious city.

The officers in immediate charge of this work, which involved incessant labor and personal peril—Colonel Black of the Corps of Engineers, Brigade Surgeon Davis, U. S. Vols., and later Surgeon Major Gorgas, U. S. A.—must be credited with having wrought a marvelous transformation within a single year and at an extraordinarily economical expenditure of the public funds.

So far as the accounting was concerned, it may be stated that the methods employed by Colonel Black and followed in the Department of Habana generally were those of the United States Engineer Department, with such modifications as the special necessities of the case or the orders of the division authorities required, and with complete estimates, vouchers, accounts, and returns, such as to enable any competent inspector or auditor to verify and audit the accounts as would be done by the accounting officers of the Treasury in Washington.

All transactions involving money expenditure or accountability were made fully of record and in readiness for any inquiry or investigation that should be thought proper to give them. The accounts of the Department of Habana were under regular examination and audit by the auditor of the island, and subject also to the inspection of the inspector-general of the division. As might be expected from the methods adopted and the character and competency of the army officers concerned, there has never been any question with regard to them that was not at once susceptible of a complete and satisfactory reply.

Senate Public Document No. 177, entitled "Public receipts and expenditures in Cuba," consists of a communication from the War Department of date February 15, 1900, covering detailed statements of the accounts of the island treasury for the calendar year 1899.

The document on page 105 gives the total allotments as made to the military division and departments of the island under the several titles for the six months January 1 to June 30, 1899, but for the remaining six months July 1 to December 31, the allotments are charged not to the division and departments, but to the cities and provinces, and as Habana was both the headquarters of the Department of Habana and also of the Division of Cuba it appears that the allotments made by the division for general insular purposes are all charged to Habana.

The result is that for the first six months the "Department of Habana" is shown as having received \$2,495,469.53, and for the last six months it appears that "Habana" has received \$4,115,799.65. Adding the smaller amounts charged to Guanabacoa, Regla, and Santa Maria del Rosario, which with Habana constituted the Department of Habana, it might be supposed that the Department of Habana had had allotments for the calendar year 1899 amounting to \$6,625,562.94, whereas in fact the total charged to "Habana" for the half year July

to December was greater than the entire allotment to the Department of Habana for the entire year.

The document in question, however, elsewhere affords the means of correcting any misapprehension on this point, as it states by months and titles the sums allotted to the several disbursing officers in the island, specified by name. The disbursing officers for the Department of Habana included in these lists are seven, viz: Colonel Black, chief engineer; Colonel Scott, adjutant-general; Major French, chief quartermaster; Major Stretch, civil paymaster; Lieutenant Rice; Major Hyatt, of Guanabacoa; and Mr. Walter Fletcher Smith, paymaster for the engineer department.

Extracting the details of allotments to these officials, the total to be charged to the Department of Habana for the six months July to December appears as \$1,588,581.31. Adding this to the total charged to the Department of Habana for the six months January to June, on page 105, the total for the year charged to the Department of Habana is \$4,084,050.84.

This sum exceeds by about \$40,000 my own schedule of funds received, the explanation of which is in the fact that in the first six months there were sums charged to the department which were not expended under my direction, but under that of the division commander. The discrepancy is only about 1 per cent of the total for the year, and can not at this time be fully accounted for except by a comparison of the detailed accounts of the Department of Habana, which I have not at my disposition in Washington.

SCHEDULE.

Account of island funds received and expended in the Department of Habana during the calendar year January 1 to December 31, 1899.

Total funds received.....	\$4, 041, 712. 59
Unexpended balances returned.....	76, 055. 88

Total to be accounted for.....	3, 965, 656. 71
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Distribution of funds.

1. Engineer department, for all purposes.....	\$2, 547, 680. 96
2. Sanitary department for all purposes.....	210, 243. 82
3. City of Habana, deficits.....	523, 847. 06
4. Guanabacoa, deficits.....	36, 559. 55
5. Regla, deficits.....	13, 544. 21
6. Police department.....	153, 317. 34
7. Hospitals and charitable institutions, including military hospital.....	130, 435. 02
8. Presido (state prison).....	106, 886. 19
9. Aid to destitute.....	48, 767. 40
10. Military quarters and constructions.....	44, 155. 54
11. Headquarters Department of Habana.....	48, 755. 64
12. Civil governor of province.....	16, 710. 48
13. State insane asylum.....	4, 166. 67
14. Secret service.....	2, 400. 00
15. On hand by department paymaster January 1, 1900.....	78, 186. 83

Total to be accounted for.....	3, 965, 656. 71
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Balance on hand by engineer department paymaster, January 1, 1900.....	\$307, 197. 09
Balance on hand by department paymaster, January 1, 1900.....	78, 186. 83

Total cash on hand.....	385, 383. 92
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Total expenditures for 1899.....	3, 580, 272. 79
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ENGINEERING AND SANITATION.

For a succinct statement of the work done and the results attained in connection with these two great branches of the city and department organization during the first six months of the American administration, I beg to refer to my annual report for the fiscal year ended June 30, 1899, covering reports by Colonel Black and Brigade Surgeon-Major Davis, U. S. Vols., and for the corresponding data for the period June 30, 1899, to May 1, 1900, to the accompanying reports by Colonel Black, of the Corps of Engineers, and Surgeon-Major Gorgas, U. S. A.

The summer of 1899 was a period of prolonged anxiety and uninterrupted labor. The physical and sanitary conditions of the city, its streets, alleys, purlieus, suburbs, public buildings, and private premises had been radically improved since January, but the advent of summer and the rainy season, the past history of the city, its century-old infection with endemic and epidemic yellow fever, and our inexperience with the coming conditions, gave cause for grave uncertainty as to what might be in store, and made urgent the redoubling of safeguards and precautions against disease. The responsibilities were weighty and the labor arduous, particularly as it was necessary to occupy the Spanish forts, batteries, and public buildings as quarters and offices for both department officials and employees and the military garrison of the city, and the immigration of nonimmunes from Spain and the Canary Islands was increasing monthly by thousands.

Everything was done that foresight and sanitary knowledge could suggest, within the financial and time limitations imposed, and as the summer waned with comparative exemption from yellow fever, typhoid, and smallpox, each day brought its compensation for the past and its encouragement for the future.

The cleaning and sanitation of streets, suburbs, and buildings were prosecuted with renewed energy and thoroughness; the disinfection brigades were kept at work almost night and day; disinfectants, principally electrozone and the bichloride of mercury, freely used for flushing and sprinkling houses, streets, and sewers; rigid isolation of individual cases of infectious diseases practiced, and strict investigation made in every case of the particulars as to whereabouts and doings for ten days antecedent to the illness; all physicians instructed under penalty to report every case immediately to the sanitary office by telephone or message; a yellow-fever board appointed of physicians of high standing to investigate and decide the final diagnosis; a general vaccination of the population carried on, and military regulations for the protection of the health of the troops prescribed and enforced.

The results were extremely gratifying, and a new record was made for Habana in respect both of general mortality and suppression of epidemics.

There was but a single outbreak of yellow fever among the troops, and that was in Cabaña, which had a garrison of a battalion of artillery and a large number of general prisoners.

The disease was promptly and readily controlled by moving into camp and disinfecting all effects.

The cause was not definitely traceable, but is to be attributed, as in similar instances, to individual soldiers getting the infection in disreputable houses and bringing it in with them. An alternate possible cause

was a subterranean gallery which had escaped the vigilance of the disinfection brigade in the general treatment of the fortress. The gallery had, however, been discovered and explored by the soldiers, and bones found there might have been those of Spanish yellow-fever patients.

That there was no infection in the fortress generally was shown by the fact that the garrison had occupied it for three months before a case occurred, and that no case happened among the prisoners who did the dirty work of the garrison and were not outside its limits.

The precautions taken as to isolation and disinfection had the result that in no case, unless Cabaña can be considered an exception, was an individual case of yellow fever transmitted to a succeeding one; in other words, that there was no epidemic expansion or spread. In a few instances successive cases did occur in the same building, but these were temporary lodging places, and the time intervals elapsing between cases forbade the supposition of successive infection, and relegated the cases to individual infection elsewhere.

The analysis of the particulars as to place and acts for ten days prior to illness indicated two leading inferences—first, that the majority of yellow-fever cases were due to visits to disreputable houses, and, second, that the use of intoxicating liquors predisposed to attack, from heating the blood, reducing the vital energies, and inciting to gross indulgences. Temperance and self-restraint, important everywhere, are essential in the Tropics, if the bodily and moral welfare are to be conserved.

The appended mortality record shows that the diminution of deaths and the amelioration of sanitary conditions effected during the past calendar year are still in progress in 1900, apparently not having yet reached their limit, and two important points seem to have been established.

First. That notwithstanding the continuing absence of definite knowledge as to the origin, habitat, and transmission of yellow fever, sanitary science can control and ultimately eradicate it if adequate means, thoroughness, and persistence be employed.

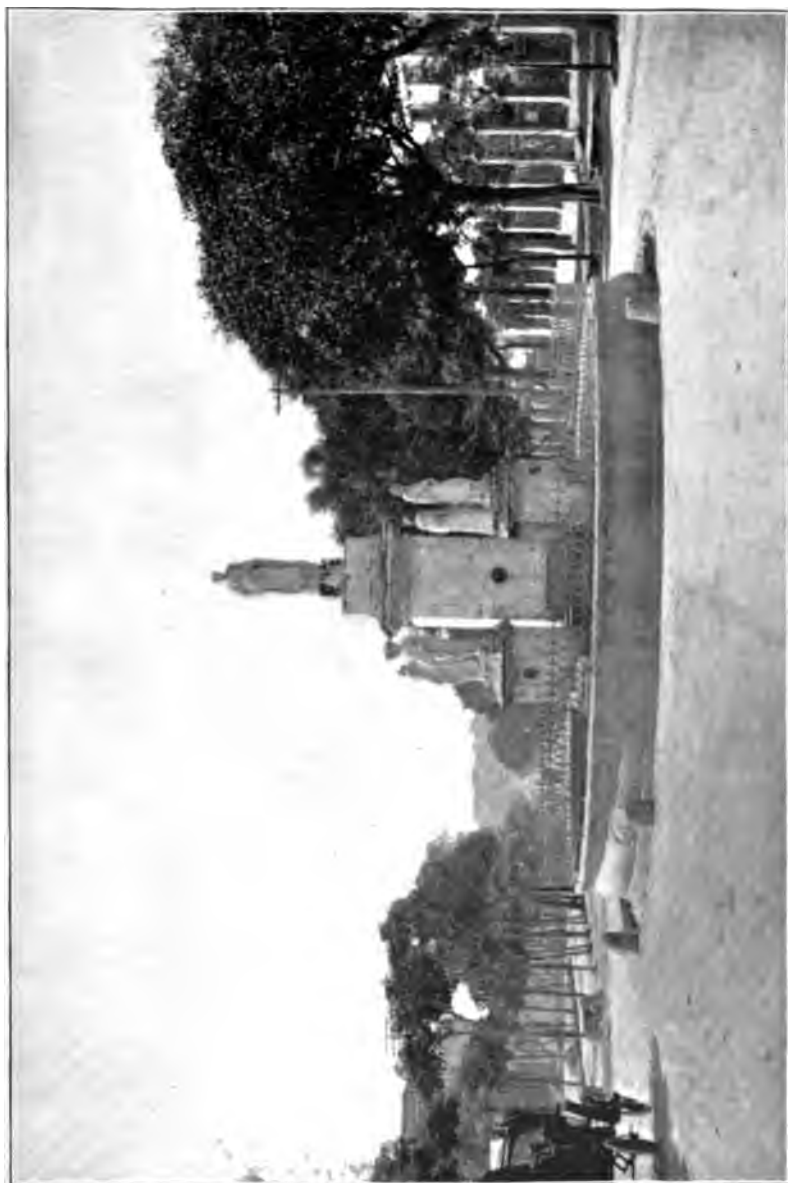
Second. That with isolation, disinfection, and, if need be, destruction of effects, cases of yellow fever can be prevented from spreading, and therefore that epidemics are preventable, even if local conditions should involve and provisionally retain possibilities of individual infection.

These demonstrations modify materially the practical status of yellow fever, remove the prevalent dread of it as an occult and uncontrollable contagion, and relegate it to the class of preventable filth diseases, whose habitat can be invaded and destroyed by sanitation and its spread prevented by isolation and disinfection.

The corrected tabulated mortality data for the period 1890-1899, adding the first four months of 1900, are appended. For the purpose of final record, the tabulations for the several years have been carefully revised from the original records, and some errors of compilation and of omission found in the corresponding table published in the last report. The present figures are believed to be as correct as they can be made.



ALBEAR PARK.



PASEO DE CARLOS III, LOOKING WEST. APRIL 1, 1900.



BOMBA PARK. APRIL 1, 1900.



COLUMBUS SHRINE.

2

3



PRADO PROMENADE. APRIL 1, 1900.



BOMBA PARK. CENTRAL FOUNTAIN. APRIL 1, 1900.



BOMBA PARK. WALL ON SOUTH SIDE. APRIL 1, 1900.

The population statistics of the Department of Habana as derived from the recent census are given in the following table:

Municipality.	Habana.	Regla.	Guana- bacon.	Santa Maria.
City proper.....	235,981	11,363	13,965	544
Outlying population.....	6,074		6,115	2,186
Total.....	242,055	11,363	20,080	2,730

Aggregate, 276,228.

The mortality data for Habana include the entire population of the municipal district, as given above, and the table gives the total deaths from all causes, including yellow fever, which are also separately stated.

The total deaths in Habana for the calendar year 1899 were 8,156, of which 103 were from yellow fever. With a population, as given by the census, of 242,055, the average death rate for the entire year 1899 was 33.7 per thousand, diminishing from 67 per thousand in January to 27 per thousand in December. For the first four months of 1900 the deaths were 2,076, corresponding to an annual death rate, on the same basis of population, of 25.7 per thousand, showing a continuing reduction in this vital item as the net result of the sanitary and other modifications executed and in progress. The data for April, of 482 deaths and none from yellow fever, are without precedent. The April rate is less than 2 per thousand for the month, and the May rate smaller still.

There is a general impression in Cuba—at least the assertion is frequently made, and even by Cuban physicians themselves—that native Cubans are immune from yellow fever, and that the disease takes its victims solely from importations. There is good reason to believe that this impression is altogether a mistaken one; that birth in the island gives no immunity, and that white Cubans are generally liable to the infection unless they have already had it.

The positive evidence in this respect is the fact that the mortuary records declare the death of natives from yellow fever in several cases. The indirect evidence is that the diagnosis of yellow fever is still obscure and often a matter of doubt; that several local diseases bear a strong resemblance to yellow fever; that what is known as “borras,” particularly as an infantile disease, may in fact be no other than a mild type of yellow fever, serving to give adult immunity; and that in some cases that have been investigated Cuban physicians have reported deaths of natives as due to other diseases—in two cases calling it “typhus” fever—who admitted that if a foreigner had had the disease they would unquestionably have diagnosed “yellow fever.”

Full investigation of Cuban diseases will doubtless clear up many of these doubtful points, but as matters now stand it would seem that Cubans generally are subject to attack by yellow fever, and that the apparent immunity of adults is due to having had it in infancy or youth.

From December, 1898, to February, 1900, the sanitary department was in the immediate direction of Brigade Surgeon Major Davis, whose assiduity, fearlessness, and energy I have heretofore officially taken occasion to record and commend. The task intrusted to him

was one of the first magnitude and discharged with the utmost industry and success. Its nature and extent are set forth in the annual report for the fiscal year 1899. There remained only to continue the same drastic and effective measures to strengthen and confirm the favorable conditions attained as to the public health and freedom from epidemics, and in February Dr. Davis was, at his own request, transferred to Manila to perform there like services to those rendered in Habana. He was relieved by Surgeon-Major Gorgas, U. S. A., the chief surgeon of the department, who has since been in charge of the sanitary work, in addition to his other duties, with constantly improving results.

The formidable field included in the scope of the engineering department is well illustrated by Colonel Black's report.

The organization of the department, its gradual expansion, the training of its employees, the simplification of methods, the augmented efficiency, and the increased economy of service are enduring monuments to the energy, intelligence, and professional ability of the responsible officer, who has inaugurated and conducted a tremendous work with the most conspicuous success.

Naturally such notable results could not have been secured without the expenditure of money. The outlay for the joint purposes of city and harbor engineering and sanitation in the several communities included in the Department of Habana has been, in round numbers, \$200,000 per month, this amount covering expenditures, general and special, under several heads, as follows:

- Street and road construction and repair.
- Street paving and rectification of grades.
- Street, park, and alley cleaning.
- Collection and disposal of garbage and waste.
- Construction and repair of water supply and sewerage.
- Repair and sanitation of civil public buildings.
- Repair, construction, and sanitation of military quarters in forts and batteries.
- Sanitary inspection and cleaning of private buildings.
- Maintenance of sanitary supervision and disinfection service.
- Equipment of city hospitals and medical supplies.
- Aid to destitute requiring medical service.
- Support of sanitary institutions, laboratories, etc.
- Harbor work, dredging, etc.
- Repair and construction of wharves.
- Surveys of city and harbor in connection with proposed sewer and paving systems.
- Surveys of military defenses.

The expenditures also include the first cost and maintenance of plant and appliances that were indispensable for the work and did not exist in Habana—e. g., crematory, electrozone, dump scows, tugs, stables, carts, animals, garbage wagons, street sprinklers, sanitary excavators and carts for night soil, steam road rollers, stone crushers, and the like, tools and materials essential to proper and economical management and only to be had by import from the United States and paying duty at the custom-house; also a pipe line under the harbor to Cabaña for the water supply to the garrison and to Casa Blanca, and another large water main for the city of Regla.

It will be seen that while sanitation proper, in the conditions found, called for considerable sums, a large proportion of the expenditures made was for ordinary city work, the organization and equipment of which had at once to be created and supplied and thereafter maintained.

Furthermore, large sums were used by the engineer department for

work directed by the division commander in connection with State and public purposes not within the official control or jurisdiction of the Department of Habana, although as the funds were included in the department requisitions, they are accounted for in the department receipts and expenditures for 1899. These expenditures amount to nearly \$360,000.

As the city treasury was unable for the time being to pay current expenses, although its resources, properly developed, would be ample, the necessary amounts were obtained from the insular government upon monthly detailed estimates submitted in advance. This procedure was the more appropriate, as the entire island, as well as the United States, was concerned in the rehabilitation of Habana and its vicinity, and the insular revenues could well afford to defray the cost.

In addition to the general results secured, the expenditures made gave employment to thousands of persons who would otherwise have been idle and a burden on the treasury to the extent of 15 or 20 cents a day for food to keep them alive, and accustomed them to habits of industry and accountability, of which they stood much in need.

It may be fairly stated, then, that, comparing results with outlay, it is but seldom that opportunity has been afforded to make a more profitable investment than was effected in the regeneration of Habana within a single year, and the department officers charged with the engineering and sanitary work and responsibility are justly entitled to the credit of their labor.

The most important fields of engineering now to be undertaken include the systematic construction of a sewer system and the general paving of the city. To these ends attention has been sedulously given throughout the year, and the problem fully investigated and considered, with the result that the department has now final plans and estimates that can be put in effect whenever it shall be practicable to obtain the funds.

It is true that the extraordinary sanitary results have thus far been gained without the aid of a modern sewer system and modern pavements, and that the crude means of disposing of sewage and fecal matters still existing in Habana characterize also very many American cities, which persist in the use of privy pits and cesspools. But it should not be contended on these accounts that properly designed sewer systems, with modern plumbing and appliances, are unnecessary or could with security be omitted. The general consensus of the civilized world insists that no city can be regarded as properly equipped in the sanitary or engineering sense unless sewers and pavements are provided.

The main reasons for this are two, viz., that it is important for future welfare and healthfulness that the site upon which the city is built be as completely as practicable protected from subsoil pollution and nurtures for noxious germs, and this requires that waste fluids and matters be carried as rapidly as possible off the premises and be delivered without leakage to the point of final and innocuous disposals; also that the pavements be continuous, impermeable, and enduring. The second point is one of economy. The removal of house sewage and the like by provisional appliances or hand labor involves extra cost, inconvenience, and offense, with constant chances for neglect or failure to make the work thorough and secure beyond peradventure. The cleaning of ill-paved streets is a much greater labor than that of

smooth and continuous pavements, and the cost of traffic is also greater, in the reduction of loads and wear and tear of vehicles. Furthermore, in tropic cities the conservative action of frost is absent and any neglect or inefficiency pays a high penalty. For these and other reasons it is essential that as speedily as possible arrangements be perfected for sewerage and paving the city by scientific and economic means.

There has been much misapprehension as to the status of the harbor as a menace to health. The bay has been quite commonly regarded as the proximate source of danger, and plans more or less fanciful have been devised for purifying it, including channels or waterways connecting the head of the bay with the Gulf to provide a circulation of water. These plans are not necessary. Infection does not come from the water, but from the land, and while in times past the waters of the bay have been foul and offensive, owing to the large quantities of filth discharged therein, they are to-day, both to sight and smell, as little offensive as the waters adjacent to New York or Philadelphia. The causes of pollution have been intercepted, and even at the head of the bay, where conditions are at the worst, the water is now comparatively clear. The fact is that the tides bring in twice a day their supply of pure gulf water, and the northerly winds from time to time augment the tidal action and occasionally give the harbor a thorough scouring. The purifying and reducing action of strong, pure sea water upon organic and decaying matter is well known.

The bay needs much dredging of shoals and bars, and the marshy banks should be bulkheaded and filled, a work which, properly conducted, would more than pay its cost. But no apprehension need be felt that the bay in its present condition is dangerous to health, and under the sewer plans that have been adopted no sewage will reach the bay, as it is intercepted entirely and delivered directly into the Gulf.

Early in 1899 propositions were submitted for an immediate undertaking of general sewer construction in the city by persons desirous of doing the work, but at the time it was impracticable to give these consideration, for the reasons, first, that the immediate necessity was to clean the city and organize the city government, and, second, that in the then conditions any general opening of streets would constitute a grave peril to the public health and paralyze all other occupation or use of streets for traffic. Furthermore, it was essential that before any definite plans or system of sewerage could be adopted or undertaken, complete surveys and studies, topographic and hydrographic, should be made, with ascertainment of trend of currents, effects of winds, and other particulars, as to all of which the data of record were either meager or incorrect or lacking altogether.

The deficiencies in these respects have now been supplied, and the official projects are based upon full, accurate, and reliable data.

For the above reasons, and others, the propositions from the associates of the late Colonel Waring subsequent to his death could not be entertained, particularly as Colonel Waring had not had time to make surveys or to work out any final plans or solutions of the several serious problems involved, in consequence of his fatal illness occurring on his return voyage from Habana.

In the light of the examination of the Dady project by Messrs. Gray and Cunningham, given in Colonel Black's report, it is not necessary to discuss further the special features of this proposition. It was originally under negotiation with the Spanish authorities, who, before

a conclusion was reached, cut off further consideration of it. It has been persistently pushed both in Washington and Habana upon the American authorities since they took charge to the present time, but no authority, technical or executive, that has examined the project has been able to favor it in any sense. The general design makes provision for not more than one-third of the built-up portions of the city, for a population of 300,000, only about one-fourth more than the present one; and the unit prices stipulated are from two to four times greater than the work can be done for; in addition to which the 6 per cent bonds to be issued in payment are to be delivered to the contractor at 90 per cent, and large sums are to be paid annually for maintenance during the life of the bonds, viz, fifty years. The engineering features and basic data are hopelessly faulty, and in its financial aspect it would be an intolerable and unrighteous burden to impose upon the city.

Whenever funds shall be made available, a complete, scientific, and satisfactory system of modern sewers and pavements for the entire urban area and for a population of 500,000, double the present one, can be executed at a cost of about one-half that involved in the Dady proposition.

Corrected consolidated record of deaths by months for the years 1890 to 1900, for the city of Habana, including Puentes Grandes.

[Figures in parentheses are yellow fever.]

Month.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
January	486 (10)	620 (10)	634 (15)	504 (15)	505 (7)	636 (15)	547 (10)	1,556 (69)	1,785 (7)	1,262 (1)	498 (8)
February	464 (4)	528 (3)	545 (10)	446 (6)	483 (4)	548 (4)	589 (7)	1,414 (24)	1,602 (1)	843 (0)	491 (9)
March	562 (4)	556 (4)	557 (1)	503 (4)	548 (2)	533 (2)	686 (3)	1,408 (30)	1,519 (2)	811 (1)	606 (4)
April	642 (13)	618 (5)	591 (8)	534 (8)	505 (1)	622 (6)	732 (14)	1,120 (71)	1,399 (1)	648 (2)	482 (0)
May	699 (23)	592 (7)	639 (7)	585 (23)	627 (16)	826 (10)	1,073 (27)	1,369 (88)	1,369 (4)	635 (0)	473 (2)
June	838 (38)	607 (41)	622 (13)	595 (69)	562 (31)	899 (16)	1,125 (174)	1,253 (3)	639 (1)	.....	.....
July	891 (67)	738 (66)	577 (27)	701 (118)	736 (77)	1,269 (88)	1,685 (116)	1,685 (168)	1,532 (16)	680 (2)	.....
August	660 (60)	612 (66)	674 (67)	589 (100)	736 (73)	1,273 (120)	1,526 (262)	1,978 (102)	1,978 (16)	620 (13)	.....
September	637 (33)	553 (65)	578 (70)	549 (68)	549 (76)	730 (135)	1,067 (166)	1,543 (56)	2,397 (34)	496 (18)	.....
October	712 (32)	549 (48)	572 (54)	538 (46)	545 (40)	621 (102)	1,212 (240)	2,026 (42)	2,491 (26)	495 (25)	.....
November	552 (15)	551 (24)	644 (52)	480 (28)	599 (23)	527 (35)	1,410 (241)	2,051 (26)	2,054 (13)	493 (18)	.....
December	556 (9)	725 (17)	568 (33)	493 (11)	697 (29)	580 (20)	1,423 (147)	1,871 (8)	1,873 (13)	531 (22)	.....
Total ..	7,599 (308)	7,249 (356)	7,201 (357)	6,647 (496)	7,108 (382)	7,362 (353)	11,762 (1,282)	18,035 (858)	21,252 (136)	8,156 (103)	2,549 (23)

HOSPITALS AND CHARITABLE INSTITUTIONS.

As will be seen from the accompanying list, the hospitals and charitable institutions in Habana are somewhat numerous and of various kinds. Some are private, others pertaining to associations, and others under direction of governmental authority, State or municipal.

The public institutions, as found by the American authorities, were in a deplorable condition as the result of war and lack of funds for

proper maintenance. They were crowded with inmates and nearly destitute of supplies, surgical or medical, and in some cases even of food.

Considerable expenditures had to be made to bring them up to even a moderate condition of efficiency and cleanliness, the difficulty in the latter respect being largely due to carelessness and defective training on the part of the employees of the various grades.

The general municipal hospitals were two in number, viz, Aldecoa and Los Angeles, the former needing extensive modification and repairs and the latter in such condition that as soon as practicable it was abandoned altogether.

The special municipal hospitals were the Casas or Centros de Socorro, or Houses of Assistance, four in number, which were of the nature of emergency hospitals, for police and like service. There was also the special hospital for treatment of public women.

There were in January, 1899, thousands of sick and ailing needing hospital treatment, who could in no wise be cared for in any of the institutions, and these had perforce to be looked after as well as possible in their own quarters and under every disadvantage. The work was done as effectively as practicable, food and medicine furnished and treatment given, but a large number must have perished who could have been saved if proper provision could have been made for them. Recourse was had to the fullest extent practicable to the private or semiprivate hospitals, such as the well-conducted Mercedes Hospital, and others, where patients were placed and paid for by the military government of Habana, which also equipped and maintained all the municipal institutions, since the resources of the city treasury were inadequate to meeting other current expenses. Later, as the receipts by the city treasury increased, the municipal institutions were by degrees transferred to the city account.

The old Spanish military hospital, San Ambrosio, near the head of the bay, had an extremely evil history, with a record of mortality of 60 per cent of the patients sent there. The reason for this loss of life is probably to be looked for in the indiscriminate massing of disorders, infectious and other, and in the absence of isolating and disinfecting treatment, the Spanish view having apparently been that such diseases as yellow fever, for example, were acts of providence, to be accepted as inevitable and not to be controlled or eliminated by human means. The building was a permanent one of stone and concrete and of great size, but its history and sanitary conditions were such that it could not be made use of until completely overhauled, cleaned, and repaired, and thoroughly disinfected—a formidable task for which neither time nor funds were available until late in the year, when the work was at length undertaken.

The great Spanish military hospital, Alfonso XIII, consisting of some 60 pavilions, with a capacity of 2,000 or 3,000 patients and well situated on the elevation of the Principe Hill, would have answered a valuable purpose in the care of municipal patients generally, but it was taken over by the insular government and constituted a general military hospital for the island.

The Spanish "Arsenal," or navy-yard, situated at the head of the bay, is an extensive walled inclosure with numerous buildings, quarters, barracks, storehouses, and the like, that also could have been of the greatest service for hospitals, almshouses, orphan asylums, etc.,

with accommodations for several thousands, but the premises were in the charge and jurisdiction of the Navy Department, and the Department of Habana could make no use of them.

Of the private hospitals a marked feature were those established and maintained by the great Spanish associations, which for a moderate assessment provided hospital and school facilities for their members. These institutions in general were fairly well conducted, though deficient in some respects of technique and in the special precautions taken under modern practice in respect of the individual sanitation of patients and general antiseptic treatment.

The best example of a large hospital was the Mercedes, and this was in fact the main reliance for caring for municipal patients. In addition, use was made of its extent and facilities for the establishment of a training school for nurses, which, under the immediate direction of Dr. Furbush, was successfully inaugurated by importing trained nurses from Philadelphia to conduct it. This was a novel departure in the island, nothing of the sort having ever existed or even been proposed.

Another novelty was the establishment in the Mercedes of a maternity hospital. It is almost incredible that no such institution existed and that there was no provision for parturient women except at their own homes, such as they might be. The immediate author of this innovation was Madame Abreu, a lady of wealth and charity, who provided the equipment of surgical implements and appliances, including furniture and bedding, for the maternity ward.

Of the charitable institutions the larger number were orphan asylums, the principal of which was the Casa de Beneficencia y Maternidad. The "maternity" aspect of this institution was met by a revolving wicket in the inclosing wall with a receptacle accessible from the street for newborn infants. By depositing the infant and revolving the wicket a bell was rung and the infant cared for without further communication from the parents. The Casa has capacity for some 800 children of both sexes. During the war it was emptied of orphans by General Weyler and used as a barrack. Under the American administration it was again devoted to its proper uses, but was found lacking almost every requirement. The sanitary arrangements were as crude and offensive as possible, and the sole means of washing and bathing for 400 boys, for example, was a single spigot in the open court. The wash basins for the boys were no other than the tins from which they ate their soup, and it is not extraordinary that bodies and clothes were dirty and general affections of the eyes, conjunctivitis, and the like, were prevalent.

The smaller orphan asylums, maintained by private subscriptions and the efforts of charitable and patriotic natives, were in general well conducted, with Cuban ladies in immediate charge. All institutions, public and private, were freely used by the military government of the city, which made itself responsible for the support of the patients and orphans when sent for shelter and care, paying from \$7.50 to \$10 per month for the care of orphans and from 25 to 50 cents per day for hospital cases.

Unremitting attention was given from the beginning to the reformation and improved administration of all the hospitals and charitable institutions in control of the Department of Habana, and, in general, excellent and beneficial results were secured. Customs and traditional

practices, however, are deep rooted and difficult to contend with, and much remains to be done in the training of the staff and the efficiency of employees which time, patience, and persistence can alone effect.

LIST OF HOSPITALS AND CHARITABLE INSTITUTIONS IN THE DEPARTMENT OF HABANA
UNDER SUPERVISION OF THE CHIEF SURGEON OF THE DEPARTMENT.

HOSPITALS.

Supported by the Department of Habana.

Hospital de Aldecoa.—Aldecoa, Cienaga; 140 patients. All expenses paid by the department of charities and hospitals. Director appointed by the military governor of Habana. Capacity, 160.

Las Animas (now military).—Calzada de la Infanta; 30 patients. All expenses paid by the department of charities and hospitals. Director appointed by military governor of Habana. Capacity, 150.

Supported by the state.

Casa Hospital de San Lazaro.—Calle Marina esquina de Ancha del Norte; 90 patients. State hospital for patients afflicted with leprosy. Supported by income from rented properties of the institution and by ayuntamientos of the cities sending patients to the hospital. Director appointed by secretary of state and paid from funds of the hospital. Capacity, 90.

Clinica de Partos de la Facultad de Medicina.—Hospital de Paula; 5 patients. (University College of Habana maternity hospital.) Expenses of the inmates are paid by the faculty of University College. Professor in charge of the institution also appointed and paid by college. Capacity, 10.

Supported by the municipality.

Quinta de Higiene.—Calzada de Cerro, No. 440; 83 patients. Hospital for public women, supported by fees collected from licenses. Director appointed by mayor of Habana. Capacity, 100.

Hospital de Guanabacoa.—Guanabacoa Church building; 35 patients. Supported by renting of properties belonging to institution, money paid by ayuntamientos of Guanabacoa and others. Director appointed and paid by local board of beneficence. Capacity, 50.

Enfermeria Del Presidio.—Zulueta esquina de Carcel; 11 patients. Hospital for prisoners. Supported from municipal funds. Physician in charge appointed and paid by municipal government. Capacity, 50.

Centro de Socorro de La 1ª Demarcacion.—Amistad, No. 78. Municipal emergency hospital. Supported from municipal funds. Physicians in charge appointed and paid by municipality.

Centro de Socorro de La 2ª Demarcacion.—San Miguel, No. 94. Supported from municipal funds. Physicians in charge appointed and paid by municipality.

Centro de Socorro de La 3ª Demarcacion.—Calzada del Monte, No. 471.—Supported from municipal funds. Physicians in charge appointed and paid by municipality.

Centro de Socorro de Casa Blanca.—Casa Blanca. Supported from municipal funds. Physicians in charge appointed and paid by municipality.

Necrocomio.—Calle Zulueta esquina de Carcel. Municipal morgue. Supported from municipal funds. Physicians in charge appointed and paid by municipality.

PRIVATE HOSPITALS.

Hospital Nuestra Señora de Las Mercedes.—Calle L. esquina de la Calzada de Medina; 270 patients. Private hospital. Supported by payment of monthly allowances from municipality, American Government, and pay patients. Director appointed by governing board of patrons and paid from funds of hospital. Capacity, 300.

San Francisco de Paula.—Calle Paula esquina de San Ignacio; 43 patients. Twelve children (females) also supported by this institution, which is under control of Bishop of Habana. Supported by rent of properties belonging to institution and by Department of Habana. Capacity, 100.

Quinta Del Rey.—Calzada de Cristina y Romy; 23 patients. Private hospital rented by Dr. I. R. Bueno to the Sociedad Catalana de Beneficencia. Supported by

members and dues paid by nonmember patients. Director appointed by society. Capacity, 250.

La Purisima Concepcion.—Calle Alejandro Ramirez, Nos. 11, 13, and 15, Jesus del Monte; 172 patients. Private hospital supported by Spanish Asociacion de Dependientes del Comercio. Supported by dues of members and pay patients. Director appointed by association. Capacity, 300.

La Benefica.—Calle Arango, No. 5, Jesus del Monte; 139 patients. Private hospital belonging to Spanish association Centro Gallego. Supported by dues of members and pay patients. Director appointed and paid by association. Capacity, 318.

Coradonga.—Calzada del Cerro, No. 659; 121 patients. Private hospital belonging to Spanish association Centro Asturiano. Supported by dues of members and pay patients. Director appointed and paid by association. Capacity, 150.

Clinica del Dr. Casuso.—Calzada de Jesus del Monte, No. 301. Private institution of Dr. Gabriel Casuso—Gynecologic Hospital. Supported from payments of patients. Director is founder and proprietor of institution. Capacity, 50.

Dispensario para Niños.—Calle Habana, No. 58. Public dispensary for children. Founded by the Bishop of Habana and supported by charities.

RECAPITULATION.—Hospitals in the Department of Habana.

Name of Institution.	Patients paid for by—				Number of patients.	Capacity.
	Department of Habana.	State.	City.	Private.		
Hospital de Aldecoa ¹	140				140	160
Las Animas ¹	30				30	150
San Lazaro Hospital ²		90			90	90
Clinica de Partos ²		5			5	10
Quinta de Higiene ³			83		83	100
Hospital de Guanabacoa ³			35		35	50
Enfermeria del Presidio ³	11				11	50
Mercedes Hospital ⁴	240			20	260	300
Hospital San Francisco de Paula ⁴	1			39	43	100
Quinta del Rey ⁴				23	23	250
Purisima Concepcion ⁴				172	172	300
La Benefica ⁴				139	139	318
La Covadonga ⁴				121	121	156
Clinica de Dr. Casuso ⁴						50
Dispensario de Niños ⁴						
Four Centros de Socorro ⁴						
Alfonso XIII ⁵						
Total	425	95	118	514	1,152	2,078

¹ Department of Habana.

⁴ Private hospital.

² State department.

⁵ General military hospital, Division of Cuba.

³ Municipal hospital.

CHARITABLE INSTITUTIONS.

Private.

Casa de Beneficencia y Maternidad.—Calle Ancha del Norte esquina de Belascoain; 759 inmates. Asylum for unprotected and destitute children. Supported by income from rents of properties of the institution, by a monthly allowance from the state treasury, and by the ayuntamientos and Department of Habana. The director is recommended by the governing board of the institution, and appointed by the military governor of the island. He is paid from the funds of the institution. Two hundred and twenty of the inmates are supported by the department of hospitals and charities. Capacity, 800.

Huerfanos de La Patria.—Calzada de San Lazaro, No. 221. Orphan asylum; 110 inmates. Supported by subscription, private charities, and by Department of Habana. Directress appointed by board of managers of institution. Seventy-eight of the inmates supported by the Department of Habana. Capacity, 120.

Fernandez de Castro.—Calle Recito, No. 11, Jesus del Monte. Orphan asylum; 45 inmates. Supported by private charity and by municipality. Director appointed by founders. No salary. Capacity, 50.

La Bandera de Jesus.—Calzada de Cerro, No. 514. Children's asylum; 30 inmates. Supported by Department of Habana and private charities. Directress is founder of institution. Twenty-four of the children supported by Department of Habana. Capacity, 60.

La Domiciliaria.—Calzada de Jesus del Monte, No. 392. Girls' school and asylum; 102 inmates. Supported by charities and income from rented properties. President appointed by board of directors. Directress a Sister of Mercy. Neither gets salary. Capacity, 100.

Convento del Buen Pastor.—Calzada del Cerro, No. 541; 116 inmates. Private religious institution, Order of the Good Shepherd, to reform fallen women and girls. Takes children for protection and education. No rents. Supported by labor of the house and private charities and by Department of Habana. Superior appointed by parent institution in St. Louis. Twenty-eight of the children supported by Department of Habana. Capacity, 120.

San Vicente de Paul.—Calzada del Cerro, No. 797. Private religious association; 92 inmates. Girls' asylum and school. Supported by labor of institution and charity. Superior appointed by board of directors. No salary. Capacity, 100.

Asilo de Ancianos Desamparados.—Calzada del Cerro, No. 462. Religious institution; 111 inmates. Asylum for the aged. Supported by municipality and by pay inmates. Director appointed and paid by municipality of Habana. Capacity, 120.

Miguel Bacallao.—Calle Quiroga, No. 1, Jesus del Monte. Home for invalid Cuban ex-soldiers; 6 inmates. Supported by Association of the White Cross, aided by subscriptions and private charities. Director appointed by the White Cross Association. Capacity, 50.

Hermanas de la Caridad del Sagrado Corazon de Jesus.—Ancha del Norte, No. 182. Girls' asylum and school; 30 inmates. Supported by charities and students of institution. Superior appointed by association. Capacity, 30.

La Misericordia.—Calzada de Buenos Ayres, Nos. 3 and 5. Asylum for destitute men and women; 60 inmates. Supported by private charities, subscriptions, and gifts of supplies, and from municipal funds and Department of Habana. President and secretary appointed by board of directors. Thirty-seven inmates supported by Department of Habana. Capacity, 200.

El Sagrado Corazon de Jesus.—Buenos Ayres, Cerro. Branch of a religious order for the education of girls. Home institution in France. Supported by payments of students and incomes from properties. Superior appointed by association; 130 girl inmates. Capacity, 150.

Congregacion de Siervas de Maria.—Calle Cuarteles esquina de Cuba. School in suburb of Carmelo. Branch of a religious order, with headquarters at Madrid. Institution for Sisters of Charity. Local institution depends on private charities for support. Superior appointed by association. No salary. Sixty girls attend school at Carmelo. Capacity, 80.

Supported by the state.

Lee Orphan Asylum.—Calzada de Vedado, No. 64. Orphan asylum; 56 inmates. Supported by the division of Cuba and private charities. Superintendent and directress are founders of the institution. They receive no salary. Capacity, 60.

Supported by the municipality.

Asilo de San José.—Calle Ancha del Norte frente á Aramburu. Municipal reformatory for boys; 182 inmates. Supported by the municipality and by rents of properties and from charities. Director is appointed and paid by the municipality of Habana. Capacity, 200.

Asilo de Niños Huerfanos de Guanabacoa.—Guanabacoa, Calle Rarreto, No. 62. Orphan asylum; 65 inmates. Supported by subscriptions, private charities, and the ayuntamiento of Guanabacoa. Director is appointed by the mayor of Guanabacoa. Capacity, 80.

RECAPITULATION.—*Charitable institutions located in the Department of Habana.*

Name of institution.	Patients paid for by—				Total inmates.	Capacity.
	Department of Habana.	State.	Municipality.	Private.		
Casa de Beneficencia y Maternidad.....	220			539	759	800
Huerfanos de la Patria.....	78			32	110	120
Fernandez de Castro.....				45	45	50
La Bandera de Jesus.....	24			6	30	60
La Domiciliaria.....				102	102	100
Convento del Buen Pastor.....	28			88	116	120
San Vicente de Paul.....				92	92	100
Asilo de Ancianos Desamparados.....				111	111	120
Miguel Bacallao.....				6	6	50
Corazon de Jesus (Sisters of Charity).....				30	30	30
La Misericordia.....	37			23	60	200
Sagrado Corazon de Jesus.....				130	130	150
Congregacion de Siervas de Maria.....				60	60	80
Lee Orphan Asylum.....		56			56	60
Asilo de San José.....			182		182	200
Asilo de Niños Huerfanos de Guanabacoa.....			56		56	80
Total inmates.....	387	56	238	1,264	1,945	2,320

AID TO DESTITUTE.

The report of the superintendent of Cuban relief shows the rapid reductions effected in the issue of food to the destitute by a rigid enforcement of the instructions that no person able to earn subsistence should be regarded as a proper subject for gratuitous supply. The issue of rations has been cut down from 150,000 in July, 1899, to half that in September, and this again halved by April, 1900.

In April an organization of working shops and exchanges was established in order to give employment to the destitute women in lieu of direct issue of food.

The current expenses on this account have now been reduced to about \$2,500 per month, this amount being still necessary in consequence of the existence of aged and infirm persons and destitute children who must for the present be cared for at the public expense.

The superintendent, Mr. Suarez, has earned high credit for the systematic organization of the relief service and its effective and economical conduct.

HEADQUARTERS DEPARTMENT OF HABANA,
OFFICE OF GENERAL SUPERINTENDENT CUBAN RELIEF WORK,
Habana, Cuba, April 30, 1900.

THE ADJUTANT-GENERAL DEPARTMENT OF HABANA.

SIR: I have the honor to submit the following report of work accomplished by the Cuban relief department from July 1, 1899, to April 30, 1900:

Rations on hand in general warehouse.....	300
Rations on hand in various relief stations.....	75,410
Received from the general commissary Department of Habana during the months of July and August.....	300,000
Purchased from merchants in Habana from September, 1899, to April 30, 1900.....	307,000
Total.....	682,710

28 REPORT OF BRIG. GEN. WILLIAM LUDLOW, U. S. A.

Total number of rations issued during this period to hospitals and asylums.	62, 550
Total number of rations issued for emergency cases or destitution.	1, 700
Total number of rations issued to country towns in the Department of Habana—Guanabacoa, Santa Maria del Rosario, Cotorro, San Francisco de Paula, etc.	35, 000
Total number of rations issued by relief stations and general office to the destitute of the city of Habana.	574, 570
Balance on hand at general warehouse April 30, 1900.	8, 890
Total.	682, 710

The 574,570 rations were issued during this period to 31,204 families, comprising 82,467 persons.

The cost of office of Cuban relief work and distribution of aid to the destitute, including transportation, may be distributed as follows:

Cost of 300,000 rations received from the Government through the General Commissary Department (estimated)	\$36, 000. 00
All other expenditures from insular funds through application by the department commander, including 307,000 rations and all other expenses.	33, 010. 26
Total cost.	69, 010. 26

Endeavor has always been made to counteract the tendency of the destitute to depend entirely upon rations as a support, and the civilians in charge of the various relief stations have at all times been instructed and required to inspect thoroughly every case reported and to erase every undeserving name from the lists.

On July 1, 1899, as the condition of affairs had materially improved in the several localities, an earnest movement was started with the end in view of diminishing the number of rations issued. A fresh sifting out was had and the number of rations cut down to about 150,000.

About the middle of September, 1899, it was decided, in order to bring the scope of relief work to a minimum, that it would be well to close the relief station located at La Punta. Acting on the same principles, station No. 4, located at Vedado, was closed about October 30; station No. 3, located at Campo Marti, was closed November 28, and the remaining stations, Nos. 1 and 5, located at Chavez and Cerro, were discontinued on December 31 last.

By September only a few men, who were either too old to work or were sick and had large families to be supported, remained on the destitute list. Women who were found to be working were dropped from the list, but there still remained a number of destitute widows, young women, girls, and boys. Rations were further cut down to 70,000 per month, charitable institutions and asylums included.

Since October, 1899, when this department began to purchase the rations from the insular funds, to December 31, 1899, the expenses of the department have been about \$4,000 per month.

At the closing of the relief stations the list of destitute showed 328 male adults, old, sick, or disabled; 2,223 female adults, and 3,429 orphan children of both sexes, aged from 1 to 14 years.

There were a number of families who were sheltered by the Government in pavilions formerly used as barracks by the Spanish regiments, and in these cases the issue of rations was discontinued.

To counteract the tendency among the indigent to pauperization, owing to the aid which they received from the Government, and to compel them to seek some sort of self-support, this department, on January 1, 1900, with the sanction of the department commander, determined to reorganize the relief service in such manner that only the absolutely necessary cases should be given aid. The cases of reported destitution were again inspected in their respective places of residence, and after a thorough investigation of each case all extremely destitute ones were attended to by the general office and the possibility of misplaced charity carefully avoided. By this means the expense of the department was materially decreased, being reduced to about \$2,500 per month, all items included. Through the gradual discontinuance of the issue of rations, by the 1st of April, 1900, the work of the department was brought to a very moderate figure. There still remains, however, with the exception of a moderate percentage of temporarily distressed people, a large class of helpless creatures who must be a public charge until the normal condition of the country will enable them to earn a livelihood.

The operation of any system which might carry along with its good purpose the hidden germs of vagrancy must be carefully watched lest it be unconsciously foster-

ing their helplessness, thus pauperizing the community. To correct this evil has been the constant effort of the department.

In the middle of April, under authority from the department commander, working exchanges and shops were established to enable the destitute women to become self-supporting by means of their own labor. All money previously appropriated for rations is now used for purchasing material and to employ these women in making clothes for the destitute children, the women being paid about 50 cents per day.

The relief department has not only been successful in feeding the hungry and saving many orphans from dire distress, but along with the public sanitation has been an important factor in reducing the high rate of mortality shown by statistics at the beginning of 1899, a decrease of over 50 per cent being noticed in the mortality list for December, 1899, compared with the preceding January.

The field for women's work has been quite limited, and as they had not been trained to work their way in the world under the present unfavorable circumstances it becomes hard for them.

The establishment of the Habana Industrial School for Girls at the Compostela Barracks has been the means of aiding a great many destitute mothers, who, by being relieved of the care of their children, are enabled to earn their own living.

The education and improvement which will eventually follow the new condition of things, along with the stern determination that these people must struggle for their own living, will be the great factors in working out the conditions of the poor. That the poor of Habana duly appreciate what has been done for them by the American authorities and people is apparent, and on many occasions evidences of good feeling have been shown.

Respectfully submitted.

M. R. SUAREZ,
General Superintendent Cuban Relief Department.

THE POLICE COURT.

The Spanish system of jurisprudence contains no provision for police or correctional courts, such as are known in the United States and elsewhere, for the speedy disposal of police arrests and minor offenses. When judicial action is required, recourse must be had to the regular city magistrates' courts, having mainly inquisitorial and reportorial powers, and later to the courts of first instance, with limited jurisdiction, above which are the provincial courts, designated "audiencias".

The punishment of minor offenses, collections of fines and penalties, and the like are therefore attended by the inconvenience and injustice of prolonged delays in completing trials, involving unnecessary detention of offenders and witnesses, frequent failures to reach conclusions at all, and the multiplication of opportunities for corrupt practices in connection with the courts and their respective functionaries, high and low.

During the anomalous conditions obtaining at the outset of the American occupation in Habana, prior to the organization of a local police, and when soldiers were performing police duty, the number of arrests and the variety of offenses, as well as offenders, complicated the situation and caused much embarrassment in their disposition.

For this reason I established at the vivac (the police jail) a summary police court with an officer of my staff in charge, who sat every morning for the purpose of disposing of the police arrests of the preceding day.

The first incumbent was Major Evans, U. S. V., inspector-general on my staff, who conducted these (in Habana) novel proceedings with tact, judgment, and good humor, so that in fact the institution fur-

nished both instruction and entertainment to the public, and became a popular feature even with the victims, who preferred paying their \$2 to \$10 fines to being detained for two or three months awaiting trial and judgment.

Major Evans upon leaving the United States service was succeeded by Captain (now Major) Pitcher, of the Eighth Infantry, who still further enhanced the renown and usefulness of the court until its repute extended all over the island.

When the administrative reorganization of the city government had been fairly accomplished, and matters were proceeding with smoothness and regularity, practically the only arbitrary military feature remaining was the police court, which had approved itself thoroughly as both a convenience and a practical necessity in the conduct of the city affairs.

Desiring to eliminate all causes of objection while retaining the established value of the police court, I took occasion, on June 1, to represent the facts to the division commander, with the view of having the court, or one that should perform its functions, regularly authorized by a decree by the military governor of the island.

The correspondence on the subject is appended.

It is illustrative of the difficulty with which any reforms or modifications of an existing body of law, or of the methods and practices thereunder, can get themselves accomplished, that notwithstanding the fact that nearly every responsible authority, including judges of the supreme and audiencia courts, the fiscals, and the secretary of justice were all agreed as to the value of the police court, it was found impracticable to draft a decree that should satisfactorily make provision for it.

At the request of the division commander I prepared one myself on the basis of the admiralty courts of the United States, where a judge sits with two technical coadjutors as advisory and informatory, but no action ensued, and while no further official objections to the court were made, it was not until under date of April 10 that a decree was made which authorized the establishment of the existing court with enlargement of power and functions pending the establishment of correctional courts throughout the island.

A copy of this decree, No. 152, of April 10, is attached.

OFFICE OF THE GOVERNOR OF HABANA,
June 10, 1899.

The CHIEF OF STAFF, *Division of Cuba.*

SIR: I beg to submit the following facts and recommendations for consideration by the division commander.

Article 220 of the municipal police laws of Habana provides that the imposition of fines for violation of city ordinances is within the "exclusive jurisdiction" of the city government, the mayor, the assistant mayors, and the deputies and inspectors of the municipal service.

During the period when the organization of the police and the regulation of the other city business were in progress, and numerous arrests were made for misdemeanors, usually of a minor character—drunkenness and the like—largely by Americans, soldiers and civilians, I designated an officer of my staff as supervisor of police, giving him certain discretionary authority with reference to the police force and its methods and the due carrying out of its executive and disciplinary purposes.

Owing to the lack of proper accommodation for transient prisoners, and with the view to expedite the administration of justice, the supervisor of police held at the Vivac a trial court for sifting out the police cases and summarily disposing of such as did not require the action of the municipal judges for criminal offenses.

For this purpose, after hearing the evidence in each case, fines were imposed or,

alternatively, continuance of detention, at the rate of a day's detention for an unpaid dollar fine, this procedure being in conformity with the methods of the American police courts, and practically also with the municipal laws of Habana, though by a less roundabout and dilatory process.

The procedures had have proved to answer their purpose admirably, and are recognized as both advantageous and effective; so much so that it has been urged to make the practice a general and permanent one in the disposition of police cases.

Certain criticisms have come from two sources, viz: Those who for personal reasons objected to the enforcement of penalties for infractions of municipal laws, and from certain professional sources which found their fees diminished by the prompt and equitable disposition of police cases. These contentions, however, represent personal and pecuniary interests only and are opposed to the public interests, which call for prompt action in police cases.

I therefore commend to the consideration of the division commander the drafting of a decree which shall provide formally for the establishment of police courts in Habana or elsewhere, in such numbers and with such stipulations as shall be considered expedient for the summary and effective disposal of police arrests, substantially as now practiced in the United States.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commanding.

HEADQUARTERS DIVISION OF CUBA,
Habana, June 17, 1899.

COMMANDING GENERAL DEPARTMENT OF HABANA,
Habana, Cuba.

GENERAL: It is understood that Capt. W. L. Pitcher, Eighth Infantry, is performing judicial functions in the city of Habana.

By reference to Special Orders, No. 104, Special Orders, No. 106, and General Orders, No. 18, current series, Headquarters Department of Habana, it is observed that Captain Pitcher has been appointed supervisor of police of the city of Habana and provost-marshal of the city of Habana, and it is presumably under the authority attributed to these offices, one or both, that he assumes to be acting.

His authority has been questioned, and it is reported that he is performing duties which under the law of criminal procedure and municipal ordinances belong to the municipal judge or the mayor; that sentences are given by him without reference to the penal code prescribing them for certain offenses, and sometimes in excess of the limits thereof; that they are not only excessive but illegal.

It appears also that there is no legal method of appeal from his decisions, while under the code of criminal procedure the right of appeal exists in similar cases tried before the municipal judge.

It is also claimed that the laws of the land existing January 1, 1899, were retained in force under the proclamation of the governor-general until thereafter modified; but the laws in respect to these offenses, their method of trial, penalties, etc., have not been modified by the proper authority, and that the whole procedure of this court is unauthorized and illegal.

While it gives speedy trial and does what the courts of the island do not—insures the quick discharge of the innocent and the punishment of the guilty—it is, as now established, a court outside the provisions of the law, not recognized by the laws of the land, and in some important respects it deprives individuals of their rights under those laws.

An immediate report is therefore requested by the major-general commanding as to the authority under which Captain Pitcher exercises his functions.

Very respectfully,

W. V. RICHARDS, *Adjutant-General.*

HEADQUARTERS DEPARTMENT OF HABANA,
June 21, 1899.

THE ADJUTANT-GENERAL DIVISION OF CUBA.

SIR: I have to acknowledge receipt of division letter of June 17, relative to the official designation and duties of Captain Pitcher.

The information asked in this letter has been in great part anticipated by my letter of June 10 (a copy of which is herewith inclosed), making a general statement as to the origin and purposes of the proceedings had at the Vivac, and, in the light of the advantageous results secured, recommending that the governor-general issue a decree formally establishing police courts in general conformity with the American practice.

As stated in my letter of June 10, while the organization of the present city gov-

ernment, and in particular that of the police force, was in process of formation under my immediate direction as military governor of Habana, I designated an officer of my staff to have special and immediate supervision of the police force, its discipline, operation, and duties. This was essential, since no such organization had in fact previously existed; the members were natives, untrained and inexperienced, and the whole business was in course of creation and development.

In order to give him an official designation and prescribe his field, the officer so detailed was entitled "supervisor of police," and later, when the troops had been withdrawn from police duty and conflicts were occurring between soldiers and policemen, it seemed desirable to provide for a provost guard for dealing specially with disorderly soldiers, and the supervisor of police was also constituted provost-marshal. This, however, was to be a purely military function, which in fact has happily been found unnecessary.

The former designation practically constituted the supervisor of police a quasi city official, charged with special responsibilities, much as the chief engineer and chief sanitary officer were constituted city officials, though acting under the direct orders of the military governor.

The municipal laws and regulations give exclusive jurisdiction of imposing penalties for violation of municipal regulations to the municipal authorities, and in order to expedite the consideration of police arrests and effect a summary disposition of them without clogging the courts and gorging the Vivac, and without introducing possibilities of question as to jurisdiction, with reference to natives and American soldiers, the supervisor of police put the daily catch through a sort of sifting process, imposing such penalties as were embodied in the laws and regulations relative to the matter. For criminal cases clearly requiring examination by a judge the cases were held for judicial hearing and action.

This method of procedure has been going on since January, 1899, Major Evans, inspector U. S. V., having discharged the duties at the outset and, upon his muster out, being relieved by Captain Pitcher. The proceedings have been found to answer their purpose admirably; to secure the prompt disposal of prisoners arrested for infractions of municipal regulations; to save the city the expense of maintaining them for indefinite periods awaiting trial; and to further the material ends of justice with the least oppression of arrested individuals and the least loss of subsistence for families dependent upon their daily labor.

So far as I am aware, all competent and disinterested persons have approved the method of procedure as an administrative measure, and I have assurances to this effect from such authorities as the president of the supreme court, the secretary of justice, the fiscal of the audiencia, and many others, whose opinions were so favorable that they believed the system might advantageously be one of general adoption by formal decree of the governor-general, for which reason my letter of June 10 to that effect was made.

The objections that have been advanced are of two kinds—

First. Theoretical, from those who insist that every jot and tittle of Spanish law or decree of whatsoever origin or nature shall be regarded as sacred, and who shudder at the thought of any variation from the exact and religious observance of it.

Second. Practical, from those who find certain sources of income shrunken, the objection being equally valid from this point of view, whether these sources were legitimate or illegitimate.

The following may therefore be stated:

1. It is not assumed that the office of supervisor of police is established by any Spanish law. No more is the office of military governor. Hence also the existing officials holding tenure and exercising authority solely derived from the American occupation and appointed by military authority are without validity under Spanish law, which never contemplated such a source of authority in the island. The secretaries and judges, civil governors and city officials, are all exercising their functions with no authority whatever, except that derived from military occupation and the orders of the President of the United States.

2. The only Spanish laws formally continued in effect by the present administration are those stated in the governor-general's decree of January 1, viz, the civil code and the penal code. The code of criminal procedure and the municipal laws and ordinances are separate enactments.

3. The trial court at the Vivac is an administrative procedure merely, and not a judicial one, and is not believed to be in conflict with the civil or penal code.

4. There is an obvious and direct appeal from the supervisor of police to the authority which constituted him, viz, the military governor of Habana, as in all other like cases.

5. The methods of procedure in question were established by military authority, and are not in conflict with any orders or instructions by the division commander.



TULIPAN PARK. SOUTHEAST CUARTÓN. APRIL 1, 1900.



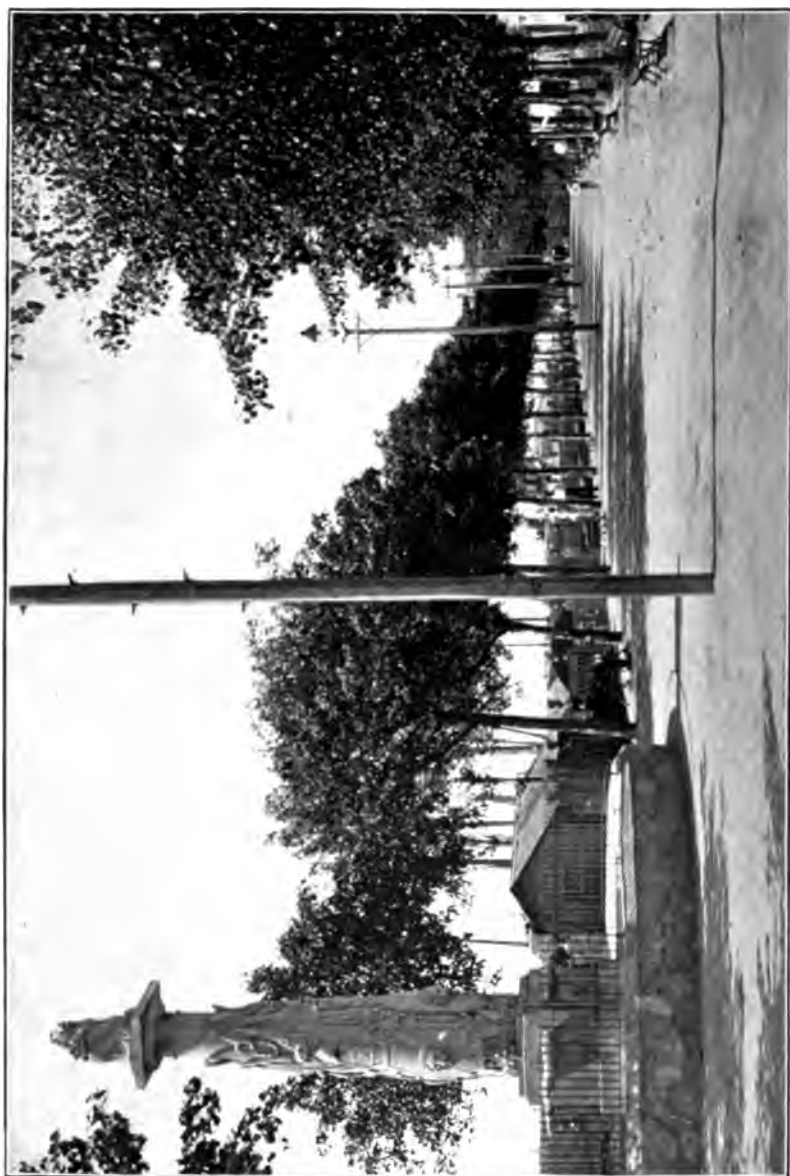
TULIPAN PARK. NORTHWEST CUARTÓN. APRIL 1, 1900.



TRILLO PARK. WEST CUARTÓN. APRIL 1, 1900.



TRILLO PARK. CENTRAL FOUNTAIN. APRIL 1, 1900.



ALAMEDA DE PAULA, LOOKING SOUTH.



ALAMEDA DE PAULA FOUNTAIN. APRIL 1, 1900.

6. If, as it is believed, the operations are in themselves wholesome, effective, and just alike to the individual and the community, the military procedure can at once be converted into a quasi civil one by the issuance of a decree to that effect.

7. It should be observed also that there is in Habana, and doubtless in other communities, a class of legal and semilegal functionaries of high and low degree who prey upon the weak and erring of the community, trafficking in their vices and misfortunes and gaining an obscure and abhorrent livelihood by means and practices the reverse of lawful or defensible.

The issuance of the decree in question will go far toward securing justice and abolishing legal robberies and blackmail, punishing the guilty and freeing the innocent.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Military Governor of Habana.

HEADQUARTERS DIVISION OF CUBA,
Habana, July 8, 1899.

THE COMMANDING GENERAL DEPARTMENT OF HABANA,
Habana.

SIR: I am directed by the military governor to say in reply to your communication of the 21st instant, that the office of supervisor of police is, as stated therein, one not "established by any Spanish law," but the comparison of that office with that of military governor and other officials, as also being "outside the Spanish law," can not be fairly made, for the reason that the military governor and the other officials mentioned are legally appointed, outside the Spanish law, and by that power which not only can make such appointments, but can modify or change the laws themselves. No such power lies in the hands of any other official, and the appointment of any military officer to a civil office not recognized by the existing Spanish laws which were placed in force by the military governor of the island January 1, 1899, or created by his subsequent orders, is wholly illegal. The order stating that the "civil and criminal code which prevailed prior to the relinquishment of Spanish authority will remain in force," was intended to apply to all the laws governing the island, the terms being used in English, in a general and not in a special sense and intended to cover all the enactments and laws then in force.

The trial court at the Vivac is stated to be an "administrative" procedure merely and not a judicial one. It has assumed, however, to try citizens, to judge cases, award punishments, etc., and has thereby exercised judicial functions in matters which belong purely to the civil courts. It is understood that it has awarded sentences in cases which under the law would be properly open to appeal if tried before municipal authority. The appointment of any official for that purpose, not being recognized by law, is illegal.

The organization of an "administrative" tribunal for the trial of citizens in the city of Habana, from which appeal is open to the military governor of Habana only, is unauthorized, the regular courts of the land being in existence and recognized by the supreme government of the island.

The administrative department can not legitimately step in and assume functions which belong to the judiciary, the functions of whose courts have been continued in force under the proclamation of the military governor of the island.

The Spanish laws in force January 1, 1899, are yet in force, except when modified or changed, and of whatsoever origin or nature must be respected in obedience to and conformity with the orders of the military governor of the island until modified or changed by him.

There may be no doubt as to the benefit of such a court, based upon the American system and experience, as conducive to the speedy administration of justice and as being a reform upon the slow and cumbrous methods or procedure under Spanish law, and their establishment in all cities may be wise; but it should be done legally by the military governor of the island and as part of its judicial system.

Very respectfully,

W. V. RICHARDS, *Adjutant-General.*

HEADQUARTERS DEPARTMENT OF HABANA,
Habana, July 24, 1899.

THE ADJUTANT-GENERAL DIVISION OF CUBA.

SIR: In the matter of the establishment of a police court for the city of Habana, I beg to invite attention:

First, to my letter of June 10, recommending the making of a decree to that effect, and giving reasons therefor.

Second; to the draft of a decree submitted for consideration and such modification and action as shall be deemed expedient.

Copies of these papers are herewith.

The formation of the police court, as designed in the draft, is practically modeled after the admiralty court in the United States, in which, for the trial of cases of collision at sea and the like, a United States judge sits with two experts as associates, viz, a naval officer and a merchant captain, in order that both the law and the technical information shall be fully considered by the court.

For the purpose of the police court one of the city magistrates sits with two police officials as associates, the city magistrates taking turns, month by month, in fulfilling the functions of presiding officer of the police court.

The proceedings and methods of the existing magistrates' courts for the trial of police offenses are in several respects incompatible with the due administration of justice, the punishment of evil doers, and the efficiency of the public service, as has been stated in other communications.

The formation of a regularly constituted police court for the summary trial and conviction of offenders and the prompt discharge of innocent persons has commended itself to the highest legal authorities of the island.

I recommend that as soon as practicable a police court be constituted either in the form proposed or in some other as shall be considered best adapted to the prompt and effective administration of the laws and ordinances.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Commanding Department of Habana.

DRAFT OF A DECREE TO ESTABLISH A POLICE COURT IN HABANA.

ARTICLE 1. A police court is hereby created in the municipal district of Habana with original and exclusive jurisdiction of the crimes and misdemeanors specified in this decree.

ART. 2. Said court shall be constituted of a municipal judge, two captains of police, and a secretary.

ART. 3. The municipal judge shall preside at the sessions of the court. He will conduct the trials and formulate and announce the sentences.

ART. 4. The municipal judges of the city of Habana, exclusive of those of the suburban wards, will assume in turn the presidency of the court.

ART. 5. The mayor of the city will determine the order in which the municipal judges referred to in the preceding article will be called upon to preside over the police court.

ART. 6. Each municipal judge shall discharge this function for one month, and will not again preside until the other judges shall have taken their turn.

ART. 7. The associate municipal judges are not included in the provisions of the preceding article.

ART. 8. The municipal judges shall receive a compensation of \$100, American gold, for the month in which they perform the duties of president of the police court.

ART. 9. The secretary shall be a Cuban, over 23 years of age and practiced in the proceedings of a court of justice.

ART. 10. The secretary of the court shall receive a salary of \$1,000 per annum.

ART. 11. The secretary of the court shall have his office at the headquarters of police, and shall attend there every week day from 8 o'clock in the morning to 4 o'clock in the afternoon. He may use the police officers for the summoning of witnesses and for the execution of other legal process or order of the court.

ART. 12. The two captains of police who sit as associates shall be designated by the chief of police, taking their turn monthly in this duty, and those who have once discharged it will not serve again until the other captains of police force shall have served their turn.

ART. 13. The court will sit at police headquarters every week day between the hours of 8 a. m. and 12 noon.

ART. 14. All the members of the court are required to attend its sessions. If by reason of sickness or other urgent cause any of the associates is unable to appear, he shall notify the chief of police, in order that the chief may designate from among the other captains of the force someone to take his place. If the municipal judge is unable to attend, he shall communicate with the mayor of the city, in order that the mayor may designate the judge of the same class who should replace him.

ART. 15. If the president or either of the two associates shall fail to attend the sessions of the court without giving the notice referred to in the preceding article, unless he can show adequate cause therefor, he shall incur a fine of \$50, and in case of repe-

tition shall be declared dismissed, the penalty to be imposed in the case of a municipal judge by the president of the audiencia; in the case of a captain of police by the chief of police.

ART. 16. If the secretary should be sick and unable to attend the session of the court, he shall notify the mayor of the city in order that the mayor may designate immediately some one to act in that capacity.

ART. 17. If the secretary should not attend the session of the court without complying with the provisions of the preceding article and without being able to show adequate excuse therefor, he shall be declared dismissed by the mayor of the city, and a new appointment made.

ART. 18. The court shall require the cases to be submitted for trial in the order of their precedence upon the police records and dispose of them promptly and in succession; provided, however, that special cases may be taken up out of this order if, in the judgment of the court, this shall be deemed expedient.

ART. 19. The police officials and the accused persons shall have their respective witnesses in attendance, as well as any other testimony which may be intended for use in the trial.

ART. 20. At the opening of the court the secretary shall read the charge relating to the case; after the proposed testimony has been heard, if it is admitted, the defendant shall lastly present his defense, if convenient to him.

ART. 21. The court will pronounce its judgment at the termination of each trial.

ART. 22. Should the circumstances of a given case show that it is not one within the jurisdiction of the court, a transcript of the record will be transmitted to such other tribunal as may have adequate jurisdiction and the prisoner held for further order by competent authority.

ART. 23. For the court to exercise jurisdiction of the crimes and misdemeanors to which this decree refers it is indispensable that the police should have participated therein either as witnesses of the acts alleged or as having made the arrests upon direct information or warrant.

ART. 24. This court shall have the following jurisdiction:

First. Of the crimes of robbery and theft when the value of the thing taken or stolen does not exceed \$20, American gold.

Second. Of the misdemeanors comprised in articles 593, 594, 595, 597, Nos. 1 and 8 of articles 604 and 606 of the penal code.

Third. Of the misdemeanors comprised in title 3, book 3, of said code.

ART. 25. The crimes of theft and robbery to which No. 1 of the previous article refers shall be punished by minor arrest (*arresto menor*), the time to be determined by the tribunal.

ART. 26. The misdemeanors which are referred to in Nos. 2 and 3 of article 24 shall be punished as indicated in the corresponding articles of the penal code, by fine or imprisonment, or both, at the discretion of the police court.

ART. 27. The police court shall be competent to enforce the sentences which it may pronounce.

ART. 28. Said court shall have power to punish summarily contempts of its authority by fines or imprisonment of not more than \$10 and ten days' arrest, respectively.

ART. 29. Said court shall have power to issue subpoenas and legal process necessary to secure the attendance of witnesses.

ART. 30. Every judgment or sentence rendered by this court, as well as the infliction of every penalty, shall be subject to appeal, within two days thereafter, to the judge of first instance of the district in which the acts charged are alleged to have been committed, upon the defendant entering into a penal bond payable to the city of Habana, with good and sufficient sureties, in such sum as the president of the police court may deem sufficient and necessary.

Laws to be considered in the organization of a police court.

SPANISH CONSTITUTION.

[Promulgated in Cuba April 7, 1881.]

ART. 4. No Spaniard nor foreigner shall be detained but in the cases and in the manner prescribed by law.

Every person detained shall be set at liberty or delivered to the judicial authorities within twenty-four hours after the act of detention.

Every detention shall remain without effect, or the prisoner shall be taken to prison within seventy-two hours after having been delivered to a competent judge.

... 27 ... N. WILLIAM LUDLOW, U. S. A.

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... MUNICIPAL

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C. S. WALTON, Major and A. P. M.

HEADQUARTERS DIVISION OF CUBA,
Habana, April 10, 1900.

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... court existing in the city of Habana
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REPORT OF BRIG. GEN. WILLIAM LUDLOW, U. S. A.

the aggrieved or injured person, to try and to punish the authors and publishers of any false, malicious, or scandalous statement, whether printed, written, or oral, which may tend to seriously injure the reputation of another or his or her standing in the community or in professional or official life.

Nothing contained in the foregoing paragraph shall prevent the aggrieved or injured person from making his complaint to any other court in cases where such court may have jurisdiction.

IV. This court is authorized to impose sentences not to exceed thirty days' imprisonment or fines not to exceed \$30, or both, at the discretion of the judge.

V. This court is further authorized to issue warrants of arrest, search warrants, and subpoenas, and all processes necessary for the proper conduct of the court.

VI. The trials shall be oral and summary, as at present conducted.

VII. All papers and orders shall be served by the police of the municipality of Habana, and the police department of the city of Habana will cooperate with this court in all that may be necessary for it to properly perform its duties.

VIII. Upon the establishment throughout the island of the correctional courts now under consideration, this court will be incorporated in the proposed system and its powers and functions will be correspond thereto.

IX. All laws, orders, or parts of laws or orders in conflict with this order are suspended within the territorial jurisdiction of this court.

ADNA R. CHAFFEE,

Brigadier-General, U. S. Vols., Chief of Staff.

THE FINANCE COMMISSION.

The labors and reports of the finance commission, which was appointed in January, 1899, at the same time with the personnel of the city government, have been of the greatest value to the current administration, and will constitute the basis for the future conduct of city affairs, both financial and executive.

The commission while its labors were progressing has heretofore made various partial and preliminary reports, which were printed in the last annual report of the department, and has now submitted its final report with appendixes.

The reports collectively constitute a complete exhibit of the defective methods of the Spanish city finance, the lack of accountability as independent responsibility, the dependence upon the State for financial measures and resources, and the means that should be taken to amend the existing defects in the municipal organization, administration, and accounting. The sources of city revenue are stated and discussed, with the modifications due to decrees made by the military governor of the island, the present needs of the city as to income, a statement as to the amount and particulars of the city debts, bonded and floating, and valuable suggestions as to the steps that should be taken as soon as possible to endow the city with a proper business administration.

increase its income, enhance its resources, and give it that measure of autonomy and independent responsibility that is needful to enable Habana to take its place among the cities of equal rank and importance.

These more important facts:

First. The making for an elective municipality and administration.

Second. The urgent need for the use and expenditure of the large sums of money for the construction of the waterworks, the paving of the streets, and the construction of schools.

For these purposes it is required to refund the existing loans and discharge the floating debt, and at the same time make provision for the additional sums required for the purposes above stated.

These matters were generally discussed in my last report, and need not now be further particularized.

I desire to record my obligation to the members of the finance commission, Messrs. Conant, Cancio, Casanova, and Nodarse, for their faithful and invaluable labor, and to include also Mr. Osgood Smith, who has been associated with the labors of the commission almost from the beginning.

FINAL REPORT OF THE HABANA FINANCE COMMISSION, APRIL 1, 1900.

OFFICE OF THE HABANA FINANCE COMMISSION,
Habana, Cuba, April 1, 1900.

Brig. Gen. WILLIAM LUDLOW,
Governor of Habana.

SIR: The Habana finance commission has the honor to submit to you the following final report upon its labors from the date of its appointment until the present time. This commission was appointed by you on January 14, 1899, under the following order, which states its membership and the character of its duties:

"OFFICE OF THE GOVERNOR OF HABANA,
January 14, 1899.

"A commission is hereby appointed to consist of the following persons: 1. Ernest Lee Conant, president; 2. Leopoldo Cancio y Luna; 3. Samuel M. Jarvis; 4. Manuel Villanova; 5. J. N. Casanova; 6. George W. Hyatt.

"The commission so constituted is charged with making an exhaustive investigation of the city finances, in general and detail, ascertaining:

"First. The present condition of the city treasury in its several branches, or bureaus, or offices of collection and deposit.

"Second. The several sources of revenue, how originated, collected, and accounted for, where deposited, and to whose order subject.

"Third. The disposition made of the revenues, how expended, by whom, for what purposes, and upon what authority.

"Fourth. The particulars as to the bonded or registered debt of the city. For what purposes the indebtedness was incurred, by what authority, how advances or loans were made, and by whom, and how and for what purposes expended, and how secured and administered.

"The commission is authorized to secure suitable offices, employ such clerical and other assistance as is needed, to summon witnesses, and to take testimony.

"The expenses of the investigation will be borne by the city.

"The commission is requested to proceed with its labors as rapidly as possible and to report from time to time direct to the governor the progress made and the results obtained, without waiting for the completion of the investigation for the preparation of the final report.

"WILLIAM LUDLOW, *Governor of Habana.*"

The commission met and organized January 16, 1899. Owing to the demands of personal business, Mr. Villanova was never able to meet with the commission, and Mr. Jarvis, after the first month of the commission's labors, returned to New York and no longer participated in the labors of the commission. Mr. Hyatt was appointed by you, early in 1899, alcalde of Guanabacoa, and the commission was thus deprived of his assistance. On April 12, 1899, Mr. Orencio Nodarse, city auditor, was appointed by you a member of the commission, and since that time the working force of the commission has consisted of Messrs. Conant, Cancio, Casanova, and Nodarse, assisted since March 23, 1899, by Osgood Smith, esq., and by a stenographer and translator. Before this date the commission had also had the assistance of Lieut. W. V. Powelson, of the United States Navy, and of Mr. William B. Whitney, an attorney of New York City. The commission has submitted to you in the past numerous reports on special topics, a list of which will be found at the end of this report, marked "Appendix A." A special report upon the sources of the city's revenue and the system of taxation was submitted March 25, 1899, and a summary of that report, presented to you July 31, 1899, was printed in your annual report, to which we beg to refer for an account of our work to that last-named date.

Since then the commission has continued its labors, and now submits to you herewith a final report, following the arrangement of topics in your order appointing the Commission.

I.—THE CITY TREASURY AND FINANCIAL DEPARTMENTS.

Under the Spanish régime there were employed in the ayuntamiento or city offices about 90 persons, of whom 65 were in the department of the secretary of the ayuntamiento and 25 were under the direction of the contador (auditor). The clerks in the secretary's office were divided into six "sections" or bureaus, of which only one, the section of "hacienda and presupuesto," was related closely to the city treasury and the city revenue. In this section 9 clerks with a chief were reported as employed. The auditor's office employed 25 clerks. The treasurer's office had 3 employees. The work of making assessments and keeping assessment rolls, involving a large amount of statistical information, did not and does not now come within the scope of the city departments, these duties, under the Spanish centralized government, belonging to the insular "hacienda," which also appropriated nearly all the revenue resulting from taxation. Nor were the employees engaged in the collection of taxes included in these numbers, as, under the Spanish system, taxes were collected by contractors who provided their own clerical force.

Under the Spanish régime the amount paid monthly in salaries to all the city departments (not including police) was \$33,098.58, or at the rate of \$397,182.96 per annum. The amount spent by the city for salaries to the same class of employees during the year 1899 was \$227,585.03.

Under the present administration the contracts for the collection of taxes by private collectors has been terminated and the collections are now made by salaried collectors. The result of this change is that the number of clerks in the financial departments of the city is increased, as is also the expense for salaries for the financial offices.

In reports formerly submitted to you the commission has explained in detail the methods of collecting the various sources of revenue. In general it may be said that the tax rolls or lists, and other data upon which the taxes are based, were prepared by the insular treasury department for all the municipalities in the island.

These lists were sent to the city alcalde and contador (auditor), who transmitted the necessary vouchers to the contractors for collection. The collectors returned either money or vouchers for the amounts respectively paid or unpaid. The clerical force employed by the contador, considering that his office kept scarcely any books, had neither power to assess taxes, fix rates, or collect money, was ridiculously large.

MUNICIPAL BOOKKEEPING AND ACCOUNTS.

The commission was charged, both at the time of its appointment and by later instructions from you, with the examination of the city system of accounting and bookkeeping, and the preparation of a new system, or the modification of the old so that it should be adapted to the needs of the city.

In carrying out your instructions, the commission and its employees have been constantly using the old books of account of the city, and have found them entirely inadequate, difficult to understand, and unsatisfactory when understood. The system used was simply to enter the amount contained in the annual budget to the credit of its various subdivisions, and then to charge against such subdivisions the amounts actually expended, according to the pay orders issued by the mayor and countersigned by the auditor, which pay orders usually gave only the name of the payee, the subdivision chargeable, and the gross amount, without further details. In one instance the commission found that the city had expended about \$10,000 more than had been appropriated to one particular division of the budget. This expenditure was proper and necessary, but, so far as its form was concerned, absolutely illegal. Upon being questioned, one of the old employees of the city could give no explanation of this irregularity other than that the auditor and cashier had been ordered to make this payment by the mayor, and they could do nothing but obey.

As soon as a fiscal year was completed all the vouchers for payment in that time were sent to the insular "hacienda" for examination, and eventually found their way to Spain. The only records that remained in the power of the municipality, therefore, were these incomplete account books and such "expedientes" as had been preserved, to represent an average expenditure of \$2,000,000 a year.

There was no pretense of keeping these books by double entry; there was no cash book; and hence the commission was unable to determine in one instance whether an entry amounting to over \$40,000 represented a mere bookkeeper's statement or

payment in cash without appealing to the city official who had actually handled the money.

"Expedientes" usually terminated with an authorization for such and such a payment, without stating whether such payment had been made or not, and were therefore valueless in determining what financial transactions had actually taken place.

The commission has been unable to find, and believes that there never existed, any official statement by any officer of the city of the number of bonds issued under the \$5,000,000 loan of 1880, or of the \$3,000,000 of 1889, or what bonds of the former loan have been surrendered and canceled.

None of the city officials ever made any report of the transactions of his office, and there was never any attempt to compile financial or other statistics, or to present any information whatever, regarding the city's business or property, to the attention of the citizens and taxpayers until after a new city was organized by you. The old records of the city offices had never been systematically arranged or indexed, and the work of examining them was thus very difficult. Many records or documents were to be found only after a long search, and the commission has never been able to find some records which were known to have existed. It can literally be said that the official records of the city of Habana under the old Spanish régime would have been considered insufficient by the keeper of a retail store fifty years ago.

The commission recommends that all the old records of the ayuntamiento be examined, classified, and indexed in such a form that new records may be added to them and the whole remain easy of access. A list of all the public records, with sufficient description for identification, should also be printed.

The commission also recommends the appointment of some competent person to compile from time to time such statistical data as shall clearly present the city's current business to the citizens and taxpayers.

In pursuance of your instructions, it was the original intention of the commission, after consultation with you, to have studies for a system of accounts made by an expert accountant, upon whose report the commission might base its recommendations to you. The later experience of the commission led it unanimously to the opinion that a better result would be obtained, and at vastly less expense to the city of Habana, by sending to the North some competent persons already familiar with the details of the Habana city government and offices, who should make a special study of the system of city accounting in use there and report thereon to this commission. With this purpose in view, Mr. Orencio Nodarse, the auditor of the city of Habana, also a member of this commission, and Capt. Osgood Smith were sent North in August, 1899, as a special committee, and made a careful examination of the most modern systems of city accounts and bookkeeping. Their report, made to the commission in October, 1899, was submitted to you November 27, 1899, with a letter from the commission indorsing the recommendations of the report.

The commission is very glad to reaffirm its former belief that this method of studying municipal accounts and providing a new system for Habana was more advantageous to the city than to employ an expert accountant for that purpose, as at first proposed. The cost to the city of sending Mr. Nodarse and Captain Smith to the North has been less than one-fifth of the cost of having the work done, as it was at first proposed, under the smallest of the estimates submitted to us by expert accountants.

The results of their investigations are more valuable to the city than the work of an ordinary expert accountant would have been, since the study of the question involved a close acquaintance with the legal and economic aspects of city administration, such as is seldom possessed by any expert accountants, and a knowledge of the situation in Habana, which no accountants in the North possess. Indeed, the most difficult features of the work lay entirely outside of the scope of the ordinary expert accountant.

In the report of this special committee on municipal accounts detailed recommendations were made regarding the methods of collecting the taxes in general, special forms for the proper keeping of accounts and records were suggested, forms were prepared and submitted for books of accounts and for certain necessary statistics, and, in general, a system of forms, receipts, stubs, vouchers, and reports was suggested for a systematic keeping of the accounts and records in a manner as simple as possible and at the same time insuring their accuracy and honesty.

For these details the commission refers to the report itself, which was printed in both Spanish and English, comprising a pamphlet of about 60 pages. A copy of this report is annexed hereto as "Appendix B."

The investigation of the system of accounting necessarily included a study of municipal administration as a whole, and to this study the commission devoted itself, and Mr. Conant, of the commission, who was in the North at the same time as the

special committee, had many consultations with the latter while it was compiling the results of the investigation. The commission believes that a proper business administration of the city necessitates important fundamental changes in its legal status and powers, and that without such changes the city can never reach a sound financial standing or attain the position among the important cities of the world to which it is entitled.

The city at present has no power to assess and impose taxes (except some unimportant "arbitrios," or license taxes), and for all its revenues is dependent upon one of the insular departments, and the insular government and administration is naturally subject to political changes, or the possibility of changes, with which the city as a city is not concerned, and to the danger of which the city ought not to be exposed. The administration of the city business should be a matter entirely independent of sovereignty or of changes of political parties which may from time to time vary the personnel and policy of the insular departments.

The real estate and property of the city is already, under its mortgages, practically all pledged to the present bondholders, and the city finds itself in the peculiar situation of needing large sums of money for essential improvements and having absolutely nothing which it can pledge to capitalists as security for the necessary loans. It has not, like modern cities generally, the power of taxation—a power upon which municipal bonds are based. Moreover, it is almost certain that the city will not be able to command in the future for its administration the best available talent and the service of its ablest citizens as public servants unless the matters to be intrusted to their charge be made independent of outside interference and control.

We believe also that the assessment of taxes and the determination of the tax rate should be made by officials whose time, attention, and energy are not claimed by similar duties with regard to other portions of the island, and by persons who owe no duties to anyone outside of the municipality itself. Only such persons can be held to a strict performance of their duties by the public and the taxpayers of the city of Habana; and we believe that it is only by giving to the citizens of Habana, through their city government, a complete control over all municipal affairs, including the determination of the amounts to be raised by taxation, as well as the modes of expenditure, that a true self-government can be established in the city.

The commission was led to these conclusions by its examination of the city's accounts. There is now no single financial head of the city's business, and without such there can be no satisfactory system of accounts and records. The establishment of a sound financial system involves some changes in the laws, giving to the city more powers. The subcommittee, therefore, in its printed report, with the hearty approval of the finance commission, made the following recommendations, which were submitted to you in November, 1899, by this commission:

1. That all assessments of property in the city of Habana, for the purposes of taxation, be made by city officials.
2. That the rate of taxation upon real estate, industrial taxes, and other principal subjects of taxation be determined by city officials. This plan would place the power of imposing taxes in the hands of the people of Habana, through their servants, the public officials, who are also charged with the duty of spending the public moneys in the interests of the city. By no other method can the income and expenses be so adjusted that the city itself can determine what local expenses it will undertake, and what it is willing to pay for.
3. That there should be a financial officer with the powers of a controller, who should have charge of all the financial affairs of the city, including the collection of revenue and the disbursement of all city moneys. The purpose of this change is partly that the mayor may be relieved of many duties which are more or less clerical, and which take away his time and energy from other and more important duties, and partly that the finances of the city may be placed in charge of one official whose tenure shall be more permanent than that of the mayor, and who should be entirely separated from politics. It would also relieve members of the council of some minor duties, and thus materially dignify their offices.
4. That there should be a sinking-fund commission, with the ordinary duties of such commissions. This, while not immediately essential, will be needed whenever the city desires to issue any further mortgage bonds, as the system heretofore practiced of gradually redeeming bond issues by drawings is hardly likely to commend itself to the city authorities or to the public in the future.
5. That all taxes should be collected annually. This would materially diminish the cost of collection and afford no hardship to the taxpayers, since a proper adjustment of the dates for collection of the various items of taxation would still give to the citizen who paid more than one tax the advantage, if any, of a system of payment by "installments."

6. That the general law should establish a limit to the city debt and to the rate of taxation, but that within those limits the local authorities should have entire financial autonomy.

For the reasons above set forth the commission, in transmitting to you the special report upon accounts, urged the necessity of securing for the city of Habana a new charter which should provide for its substantial financial autonomy. Such a charter would not exempt the city of Habana from the requirements of certain fundamental provisions of the municipal law existing for the rest of the island. It would probably limit the powers of the cities to incur debts and impose taxes, so that the city debt should not become burdensome nor the tax rate oppressive. But within these limits a city as large and important as Habana should be an autonomous municipal corporation. The limitations upon it should be only such broad restrictions as are necessarily applicable to any municipal corporation.

Since the above recommendations by the commission you have appointed a special commission for the preparation of such a charter, which, at the time of making this report, is engaged in the duties assigned to it.

Since this report on municipal accounting was completed the city auditor, Señor Orencio Nodarse, has been actively endeavoring to put into effect the reforms therein recommended, and to install a modern system of bookkeeping and accounts in the city's financial departments. He has been constantly hampered by the ancient Spanish laws still in force, and particularly by the fact that he controls only his own office and can not determine the forms of accounts used in the treasurer's or collector's offices. The result of these limitations is that there are three different systems of municipal accounts now kept, which leads to confusion and makes it extremely difficult to follow any particular item or class of items through the city's books.

Señor Nodarse has, however, been able to bring about the following changes, which the commission heartily commends:

1. The introduction of a system of double-entry bookkeeping, with a number of auxiliary books from which every necessary detail of any financial transaction can be readily obtained.

2. The substitution of books with stubs for the loose sheets formerly used for pay orders on the treasurer, thus rendering it easy to verify all payments the latter may make, and preserving a complete detailed record of them in the auditor's office.

3. The inauguration of a bureau which supervises the supplies of all classes furnished to every municipal department. This bureau fills out the prices for each article needed in accordance with the city's contracts; or, when there are no such contracts, at the lowest market rate obtainable, after receiving sealed bids from reputable dealers.

Under the Spanish system the head of each municipal department purchased such articles as he deemed necessary in the open market, without any other check than the approval of the councilman appointed as inspector (concejal inspector). These councilmen simply wrote "approved" at the bottom of each bill, without stating that they had inspected the quantity or quality of the articles received; and as they received no salaries it is safe to infer that their approval was only perfunctory. Under this new bureau and supervision it is estimated that the city has saved 25 per cent in its expenses for material.

4. The adoption of a statistical record of the number of inmates in the city's prisons, hospitals, and asylums, which enables the auditor to determine the relative expense per inmate.

5. The abandonment of the necessity of the auditor's countersigning every tax receipt when paid, thus saving much time and trouble to the taxpayer. Such countersignature is continued within the collector's department, but not on the auditor's recommendation.

6. The payment of all the receipts of the city jail into the treasury direct, and allowing the chief jailor a sum for petty expenses, for which he accounts monthly with vouchers. This system has also been extended to other city departments.

7. A modification of the system of payment, at the same time establishing certain days for paying certain departments, thus avoiding delays and confusion.

8. The establishment of a bureau of "expedientes," so that they can pass through the auditor's office in a day, not only through the cooperation of employees which has been established, but by the arrangement of papers in numbered bundles, duly indexed, which permits easy reference to them.

9. The introduction of typewriters and machines for copying and adding (which were unknown to the Spanish officials), thereby saving much time and expense.

These are only the most important changes which have been made, but with the many others of minor importance they have facilitated the work of the employees, and the existing city books give full and complete data of the municipal finances.

If the power of the city auditor is amplified to that of a controller, as the commission has recommended, and he reduces all the city's accounts to one uniform system, the other recommendations of the commission as to detailed forms can also be adopted, and the city's finances be put on such a basis that anyone can understand them and easily get from them any desired information with very little labor.

II.—THE SOURCES OF THE CITY REVENUE.

In two reports formerly submitted, one of which has been printed, the commission described the old sources of revenue. The list of these sources, with the average annual income in Spanish gold from each source in the past under normal conditions (i. e., not counting the years of the war), is given below. The division into three classes was made for convenience of discussion in considering needed changes. It will be observed that the revenues of the first group are not in a strict sense taxes at all, but a return to the city on investments, while the items of the third group are all small, and many of them are imposed for police or sanitary purposes. The taxes in the second group are, therefore, those to which your attention is especially directed, as in the past the principal source of revenue, yielding \$1,200,000 in a total average income of \$1,944,000 per annum.

The list is as follows:

First group, income from city property:

(1) Water rents, ordinary income.....	\$272, 000
(2) From the three markets	145, 000
(3) From the slaughterhouses.....	138, 000
(3a) Censos, or ground rents.....	6, 000
	<hr/> \$561, 000

Second group, income from direct taxes:

(4) Tax on the consumption of meat (consumo de ganado).....	676, 000
(5) Tax on city and rural real estate.....	190, 000
(6) Industrial tax on persons and industries on which the State also imposed a tax	234, 000
(7) Industrial tax on persons and industries on which the State imposed no tax	104, 000
	<hr/> 1, 204, 000

Third group, income from taxes and licenses of small amount, some of which are for police purposes:

(8) Tax on charcoal and coke.....	44, 000
(9) Income from the jail	20, 000
(10) Building permits	28, 800
(11) Licenses to street vendors	16, 000
(12) Licenses for horses used for pleasure.....	12, 899
(13) Tax on building timber and firewood.....	8, 500
(14) Tax on handbills, signs, etc.....	7, 619
(15) Assessment for repairs of sewers and sidewalks.....	6, 300
(16) Sale and rent of city lands	5, 000
(17) Fines for misdemeanors.....	4, 300
(18) Licenses to rent seats in the public squares and prome- nades.....	4, 079
(19) Sale of municipal stamps.....	2, 760
(20) Care of horses at markets	2, 100
(21) Fees for issuing certified copies of documents.....	1, 990
(22) San José Asylum.....	1, 030
(23) Cédulas for citizenship certificates.....	14, 000
	<hr/> 179, 377

Total 1, 944, 377

These several sources of revenue were treated at length in our former reports, to which we beg to refer you for details, and all figures given in this portion of the report refer to Spanish gold unless otherwise stated.

It was shown in a former report that not less than 1,000 houses in the city were taking water illegally without payment. The number is about one-tenth the number of lawful water plugs in the city. The commission recommended that—

(1) These illegal water takers be compelled to pay both for the current year and for arrears.

(2) That water rates at the legal rate be collected from the houses where water rates were called "Redeemed" on payment of a small sum forty years ago, and from

Notice of the disposition which is taken shall be given to the interested party within the same time.

ART. 5. No Spaniard shall be detained but by the order of a competent judge.

Every person detained or taken prisoner without legal formalities, or outside the cases provided for in the constitution and the laws, shall be set at liberty on his petition or that of any Spaniard.

The laws shall determine the form of summary proceedings in this case.

ORDENANZAS MUNICIPALES DE POLICIA URBANA Y RURAL DEL TERMINO MUNICIPAL DE LA HABANA.

[Promulgated under authority of Captain-General Arias by the civil governor of Habana May 24, 1881.]

ART. 218. All infractions of the municipal ordinances of the city and rural police, those of building (regulations), those special orders of municipal character, and the rules prescribed by the city government and the municipal authorities, shall be punished with fines from \$1 to \$10, according to the circumstances of the case and persons, discretionally applied, and with compensation for the damages caused to the municipality and in indemnification for the expenses, which may be commuted in case of insolvency from one day's arrest for each dollar's fine.

ART. 219. When the infraction committed constitutes a voluntary act or omission (falta) the municipal fine shall not exceed what the penal code in force provides for it.

ART. 220. It is within the exclusive jurisdiction of the city government, the municipal alcalde, and tenientes alcaldes and the deputies and inspectors of municipal services to impose fines which are referred to in the two preceding articles.

ART. 221. No fine shall be imposed without sufficient reasons being given in writing, which shall also be communicated in writing to the person fined, the receipt of payment being correspondingly delivered to the proper person.

ART. 222. The fines as well as the costs (apremio) which are referred to hereafter may be paid in stamped paper for municipal fines.

ART. 223. For the payment of each fine a period will be granted in proportion to the amount, and which will not be less than ten days nor exceed twenty, after which judicial proceedings will be taken against delinquent ones. The cost of such proceedings shall not amount to more than 5 per cent per day of the total amount of the fine, but in no case shall they exceed double the amount of the fine.

ART. 224. When persons fined fail to pay the same, notwithstanding the judicial proceedings, the matter will be referred to the corresponding municipal judge, requiring his authority and expressing the causes which led to it, its liquidation and amount, including the costs and the time of detention, in cases of insolvency, in order that by means of summary proceedings the responsibility of the person detained may be made effective, rendering an account in due time, and remitting the municipal fine paper or giving notice that the person has already suffered the corresponding detention.

ART. 225. For the determination of the duration of the detention to which the preceding article refers, the time, and not the costs, which are never commutable, shall be taken into account.

ART. 226. Against the imposition of fines, after they have been paid, recourse can be taken to the municipal council, and in the second instance to the civil governor of the province, against such sentence. It shall be proper to use the remedy for infractions of the form of the proceedings, before the contentious administrative court, with subjection to the laws.

Alcaldes and tenientes alcaldes are representatives of the governor of the province. See arts. 181 and 186 and notes.

Derecho administrativo.

C. S. WALTON, *Major and A. P. M.*

No. 152.]

HEADQUARTERS DIVISION OF CUBA,
Habana, April 10, 1900.

The military governor of Cuba directs the publication of the following order:

I. The police or correctional court existing in the city of Habana under orders of the military governor of Habana is hereby continued in force and operation, with territorial jurisdiction coincident with that of the Habana police.

II. This court is authorized to take cognizance of, to try, and to punish all offenses known as "faltas" and all minor breaches of the peace.

III. This court shall also have jurisdiction to try and to punish the authors and the publishers of all immoral or obscene publications; and also, on the complaint of

the aggrieved or injured person, to try and to punish the authors and publishers of any false, malicious, or scandalous statement, whether printed, written, or oral, which may tend to seriously injure the reputation of another or his or her standing in the community or in professional or official life.

Nothing contained in the foregoing paragraph shall prevent the aggrieved or injured person from making his complaint to any other court in cases where such court may have jurisdiction.

IV. This court is authorized to impose sentences not to exceed thirty days' imprisonment or fines not to exceed \$30, or both, at the discretion of the judge.

V. This court is further authorized to issue warrants of arrest, search warrants, and subpoenas, and all processes necessary for the proper conduct of the court.

VI. The trials shall be oral and summary, as at present conducted.

VII. All papers and orders shall be served by the police of the municipality of Habana, and the police department of the city of Habana will cooperate with this court in all that may be necessary for it to properly perform its duties.

VIII. Upon the establishment throughout the island of the correctional courts now under consideration, this court will be incorporated in the proposed system and its powers and functions made to correspond thereto.

IX. All laws, orders, or parts of laws or orders in conflict with this order are suspended within the territorial jurisdiction of this court.

ADNA R. CHAFFEE,
Brigadier-General, U. S. Vols., Chief of Staff.

THE FINANCE COMMISSION.

The labors and reports of the finance commission, which was appointed in January, 1899, at the same time with the personnel of the city government, have been of the greatest value to the current administration, and will constitute the basis for the future conduct of city affairs, both financial and executive.

The commission while its labors were progressing has heretofore made various partial and preliminary reports, which were printed in the last annual report of the department, and has now submitted its final report with appendixes.

The reports collectively constitute a complete exhibit of the defective methods of the Spanish city finance, the lack of accountability and independent responsibility, the dependence upon the State for financial measures and resources, and the means that should be taken to amend the existing defects in the municipal organization, administration, and accounting. The sources of city revenue are stated and discussed, with the modifications due to decrees made by the military governor of the island, the present needs of the city as to income, a statement as to the amount and particulars of the city debts, bonded and floating, and valuable suggestions as to the steps that should be taken as soon as possible to endow the city with a proper business administration, increase its income, enhance its resources, and give it that measure of autonomy and independent responsibility that is needful to enable Habana to take her place with cities of equal rank and importance.

These modifications of the present legal status of the city are the more important in view of two facts:

First. The preparations now making for an elective municipality to whom is to be intrusted the practical direction and administration of the city business.

Second. The immediate and urgent need for the use and expenditure of the large sums required for the construction of sewers, the paving of the streets, the additions to the water supply, and the construction of schools.

For these purposes it is required to refund the existing loans and discharge the floating debt, and at the same time make provision for the additional sums required for the purposes above stated.

These matters were generally discussed in my last report, and need not now be further particularized.

I desire to record my obligation to the members of the finance commission, Messrs. Conant, Cancio, Casanova, and Nodarse, for their faithful and invaluable labor, and to include also Mr. Osgood Smith, who has been associated with the labors of the commission almost from the beginning.

FINAL REPORT OF THE HABANA FINANCE COMMISSION, APRIL 1, 1900.

OFFICE OF THE HABANA FINANCE COMMISSION,
Habana, Cuba, April 1, 1900.

Brig. Gen. WILLIAM LUDLOW,
Governor of Habana.

SIR: The Habana finance commission has the honor to submit to you the following final report upon its labors from the date of its appointment until the present time. This commission was appointed by you on January 14, 1899, under the following order, which states its membership and the character of its duties:

"OFFICE OF THE GOVERNOR OF HABANA,
January 14, 1899.

"A commission is hereby appointed to consist of the following persons: 1. Ernest Lee Conant, president; 2. Leopoldo Cancio y Luna; 3. Samuel M. Jarvis; 4. Manuel Villanova; 5. J. N. Casanova; 6. George W. Hyatt.

"The commission so constituted is charged with making an exhaustive investigation of the city finances, in general and detail, ascertaining:

"First. The present condition of the city treasury in its several branches, or bureaus, or offices of collection and deposit.

"Second. The several sources of revenue, how originated, collected, and accounted for, where deposited, and to whose order subject.

"Third. The disposition made of the revenues, how expended, by whom, for what purposes, and upon what authority.

"Fourth. The particulars as to the bonded or registered debt of the city. For what purposes the indebtedness was incurred, by what authority, how advances or loans were made, and by whom, and how and for what purposes expended, and how secured and administered.

"The commission is authorized to secure suitable offices, employ such clerical and other assistance as is needed, to summon witnesses, and to take testimony.

"The expenses of the investigation will be borne by the city.

"The commission is requested to proceed with its labors as rapidly as possible and to report from time to time direct to the governor the progress made and the results obtained, without waiting for the completion of the investigation for the preparation of the final report.

"WILLIAM LUDLOW, *Governor of Habana.*"

The commission met and organized January 16, 1899. Owing to the demands of personal business, Mr. Villanova was never able to meet with the commission, and Mr. Jarvis, after the first month of the commission's labors, returned to New York and no longer participated in the labors of the commission. Mr. Hyatt was appointed by you, early in 1899, alcalde of Guanabacoa, and the commission was thus deprived of his assistance. On April 12, 1899, Mr. Orencio Nodarse, city auditor, was appointed by you a member of the commission, and since that time the working force of the commission has consisted of Messrs. Conant, Cancio, Casanova, and Nodarse, assisted since March 23, 1899, by Osgood Smith, esq., and by a stenographer and translator. Before this date the commission had also had the assistance of Lieut. W. V. Powelson, of the United States Navy, and of Mr. William B. Whitney, an attorney of New York City. The commission has submitted to you in the past numerous reports on special topics, a list of which will be found at the end of this report, marked "Appendix A." A special report upon the sources of the city's revenue and the system of taxation was submitted March 25, 1899, and a summary of that report, presented to you July 31, 1899, was printed in your annual report, to which we beg to refer for an account of our work to that last-named date.

Since then the commission has continued its labors, and now submits to you here-with a final report, following the arrangement of topics in your order appointing the commission.

I.—THE CITY TREASURY AND FINANCIAL DEPARTMENTS.

Under the Spanish régime there were employed in the ayuntamiento or city offices about 90 persons, of whom 65 were in the department of the secretary of the ayuntamiento and 25 were under the direction of the contador (auditor). The clerks in the secretary's office were divided into six "sections" or bureaus, of which only one, the section of "hacienda and presupuesto," was related closely to the city treasury and the city revenue. In this section 9 clerks with a chief were reported as employed. The auditor's office employed 25 clerks. The treasurer's office had 3 employees. The work of making assessments and keeping assessment rolls, involving a large amount of statistical information, did not and does not now come within the scope of the city departments, these duties, under the Spanish centralized government, belonging to the insular "hacienda," which also appropriated nearly all the revenue resulting from taxation. Nor were the employees engaged in the collection of taxes included in these numbers, as, under the Spanish system, taxes were collected by contractors who provided their own clerical force.

Under the Spanish régime the amount paid monthly in salaries to all the city departments (not including police) was \$33,098.58, or at the rate of \$397,182.96 per annum. The amount spent by the city for salaries to the same class of employees during the year 1899 was \$227,585.03.

Under the present administration the contracts for the collection of taxes by private collectors has been terminated and the collections are now made by salaried collectors. The result of this change is that the number of clerks in the financial departments of the city is increased, as is also the expense for salaries for the financial offices.

In reports formerly submitted to you the commission has explained in detail the methods of collecting the various sources of revenue. In general it may be said that the tax rolls or lists, and other data upon which the taxes are based, were prepared by the insular treasury department for all the municipalities in the island.

These lists were sent to the city alcalde and contador (auditor), who transmitted the necessary vouchers to the contractors for collection. The collectors returned either money or vouchers for the amounts respectively paid or unpaid. The clerical force employed by the contador, considering that his office kept scarcely any books, had neither power to assess taxes, fix rates, or collect money, was ridiculously large.

MUNICIPAL BOOKKEEPING AND ACCOUNTS.

The commission was charged, both at the time of its appointment and by later instructions from you, with the examination of the city system of accounting and bookkeeping, and the preparation of a new system, or the modification of the old so that it should be adapted to the needs of the city.

In carrying out your instructions, the commission and its employees have been constantly using the old books of account of the city, and have found them entirely inadequate, difficult to understand, and unsatisfactory when understood. The system used was simply to enter the amount contained in the annual budget to the credit of its various subdivisions, and then to charge against such subdivisions the amounts actually expended, according to the pay orders issued by the mayor and countersigned by the auditor, which pay orders usually gave only the name of the payee, the subdivision chargeable, and the gross amount, without further details. In one instance the commission found that the city had expended about \$10,000 more than had been appropriated to one particular division of the budget. This expenditure was proper and necessary, but, so far as its form was concerned, absolutely illegal. Upon being questioned, one of the old employees of the city could give no explanation of this irregularity other than that the auditor and cashier had been ordered to make this payment by the mayor, and they could do nothing but obey.

As soon as a fiscal year was completed all the vouchers for payment in that time were sent to the insular "hacienda" for examination, and eventually found their way to Spain. The only records that remained in the power of the municipality, therefore, were these incomplete account books and such "expedientes" as had been preserved, to represent an average expenditure of \$2,000,000 a year.

There was no pretense of keeping these books by double entry; there was no cash book; and hence the commission was unable to determine in one instance whether an entry amounting to over \$40,000 represented a mere bookkeeper's statement or

payment in cash without appealing to the city official who had actually handled the money.

"Expedientes" usually terminated with an authorization for such and such a payment, without stating whether such payment had been made or not, and were therefore valueless in determining what financial transactions had actually taken place.

The commission has been unable to find, and believes that there never existed, any official statement by any officer of the city of the number of bonds issued under the \$5,000,000 loan of 1880, or of the \$3,000,000 of 1889, or what bonds of the former loan have been surrendered and canceled.

None of the city officials ever made any report of the transactions of his office, and there was never any attempt to compile financial or other statistics, or to present any information whatever, regarding the city's business or property, to the attention of the citizens and taxpayers until after a new city was organized by you. The old records of the city offices had never been systematically arranged or indexed, and the work of examining them was thus very difficult. Many records or documents were to be found only after a long search, and the commission has never been able to find some records which were known to have existed. It can literally be said that the official records of the city of Habana under the old Spanish régime would have been considered insufficient by the keeper of a retail store fifty years ago.

The commission recommends that all the old records of the ayuntamiento be examined, classified, and indexed in such a form that new records may be added to them and the whole remain easy of access. A list of all the public records, with sufficient description for identification, should also be printed.

The commission also recommends the appointment of some competent person to compile from time to time such statistical data as shall clearly present the city's current business to the citizens and taxpayers.

In pursuance of your instructions, it was the original intention of the commission, after consultation with you, to have studies for a system of accounts made by an expert accountant, upon whose report the commission might base its recommendations to you. The later experience of the commission led it unanimously to the opinion that a better result would be obtained, and at vastly less expense to the city of Habana, by sending to the North some competent persons already familiar with the details of the Habana city government and offices, who should make a special study of the system of city accounting in use there and report thereon to this commission. With this purpose in view, Mr. Orencio Nodarse, the auditor of the city of Habana, also a member of this commission, and Capt. Osgood Smith were sent North in August, 1899, as a special committee, and made a careful examination of the most modern systems of city accounts and bookkeeping. Their report, made to the commission in October, 1899, was submitted to you November 27, 1899, with a letter from the commission indorsing the recommendations of the report.

The commission is very glad to reaffirm its former belief that this method of studying municipal accounts and providing a new system for Habana was more advantageous to the city than to employ an expert accountant for that purpose, as at first proposed. The cost to the city of sending Mr. Nodarse and Captain Smith to the North has been less than one-fifth of the cost of having the work done, as it was at first proposed, under the smallest of the estimates submitted to us by expert accountants.

The results of their investigations are more valuable to the city than the work of an ordinary expert accountant would have been, since the study of the question involved a close acquaintance with the legal and economic aspects of city administration, such as is seldom possessed by any expert accountants, and a knowledge of the situation in Habana, which no accountants in the North possess. Indeed, the most difficult features of the work lay entirely outside of the scope of the ordinary expert accountant.

In the report of this special committee on municipal accounts detailed recommendations were made regarding the methods of collecting the taxes in general, special forms for the proper keeping of accounts and records were suggested, forms were prepared and submitted for books of accounts and for certain necessary statistics, and, in general, a system of forms, receipts, stubs, vouchers, and reports was suggested for a systematic keeping of the accounts and records in a manner as simple as possible and at the same time insuring their accuracy and honesty.

For these details the commission refers to the report itself, which was printed in both Spanish and English, comprising a pamphlet of about 60 pages. A copy of this report is annexed hereto as "Appendix B."

The investigation of the system of accounting necessarily included a study of municipal administration as a whole, and to this study the commission devoted itself, and Mr. Conant, of the commission, who was in the North at the same time as the

special committee, had many consultations with the latter while it was compiling the results of the investigation. The commission believes that a proper business administration of the city necessitates important fundamental changes in its legal status and powers, and that without such changes the city can never reach a sound financial standing or attain the position among the important cities of the world to which it is entitled.

The city at present has no power to assess and impose taxes (except some unimportant "arbitrios," or license taxes), and for all its revenues is dependent upon one of the insular departments, and the insular government and administration is naturally subject to political changes, or the possibility of changes, with which the city as a city is not concerned, and to the danger of which the city ought not to be exposed. The administration of the city business should be a matter entirely independent of sovereignty or of changes of political parties which may from time to time vary the personnel and policy of the insular departments.

The real estate and property of the city is already, under its mortgages, practically all pledged to the present bondholders, and the city finds itself in the peculiar situation of needing large sums of money for essential improvements and having absolutely nothing which it can pledge to capitalists as security for the necessary loans. It has not, like modern cities generally, the power of taxation—a power upon which municipal bonds are based. Moreover, it is almost certain that the city will not be able to command in the future for its administration the best available talent and the service of its ablest citizens as public servants unless the matters to be intrusted to their charge be made independent of outside interference and control.

We believe also that the assessment of taxes and the determination of the tax rate should be made by officials whose time, attention, and energy are not claimed by similar duties with regard to other portions of the island, and by persons who owe no duties to anyone outside of the municipality itself. Only such persons can be held to a strict performance of their duties by the public and the taxpayers of the city of Habana; and we believe that it is only by giving to the citizens of Habana, through their city government, a complete control over all municipal affairs, including the determination of the amounts to be raised by taxation, as well as the modes of expenditure, that a true self-government can be established in the city.

The commission was led to these conclusions by its examination of the city's accounts. There is now no single financial head of the city's business, and without such there can be no satisfactory system of accounts and records. The establishment of a sound financial system involves some changes in the laws, giving to the city more powers. The subcommittee, therefore, in its printed report, with the hearty approval of the finance commission, made the following recommendations, which were submitted to you in November, 1899, by this commission:

1. That all assessments of property in the city of Habana, for the purposes of taxation, be made by city officials.
2. That the rate of taxation upon real estate, industrial taxes, and other principal subjects of taxation be determined by city officials. This plan would place the power of imposing taxes in the hands of the people of Habana, through their servants, the public officials, who are also charged with the duty of spending the public moneys in the interests of the city. By no other method can the income and expenses be so adjusted that the city itself can determine what local expenses it will undertake, and what it is willing to pay for.
3. That there should be a financial officer with the powers of a controller, who should have charge of all the financial affairs of the city, including the collection of revenue and the disbursement of all city moneys. The purpose of this change is partly that the mayor may be relieved of many duties which are more or less clerical, and which take away his time and energy from other and more important duties, and partly that the finances of the city may be placed in charge of one official whose tenure shall be more permanent than that of the mayor, and who should be entirely separated from politics. It would also relieve members of the council of some minor duties, and thus materially dignify their offices.
4. That there should be a sinking-fund commission, with the ordinary duties of such commissions. This, while not immediately essential, will be needed whenever the city desires to issue any further mortgage bonds, as the system heretofore practiced of gradually redeeming bond issues by drawings is hardly likely to commend itself to the city authorities or to the public in the future.
5. That all taxes should be collected annually. This would materially diminish the cost of collection and afford no hardship to the taxpayers, since a proper adjustment of the dates for collection of the various items of taxation would still give to the citizen who paid more than one tax the advantage, if any, of a system of payment by "installments."

6. That the general law should establish a limit to the city debt and to the rate of taxation, but that within those limits the local authorities should have entire financial autonomy.

For the reasons above set forth the commission, in transmitting to you the special report upon accounts, urged the necessity of securing for the city of Habana a new charter which should provide for its substantial financial autonomy. Such a charter would not exempt the city of Habana from the requirements of certain fundamental provisions of the municipal law existing for the rest of the island. It would probably limit the powers of the cities to incur debts and impose taxes, so that the city debt should not become burdensome nor the tax rate oppressive. But within these limits a city as large and important as Habana should be an autonomous municipal corporation. The limitations upon it should be only such broad restrictions as are necessarily applicable to any municipal corporation.

Since the above recommendations by the commission you have appointed a special commission for the preparation of such a charter, which, at the time of making this report, is engaged in the duties assigned to it.

Since this report on municipal accounting was completed the city auditor, Señor Orenicio Nodarse, has been actively endeavoring to put into effect the reforms therein recommended, and to install a modern system of bookkeeping and accounts in the city's financial departments. He has been constantly hampered by the ancient Spanish laws still in force, and particularly by the fact that he controls only his own office and can not determine the forms of accounts used in the treasurer's or collector's offices. The result of these limitations is that there are three different systems of municipal accounts now kept, which leads to confusion and makes it extremely difficult to follow any particular item or class of items through the city's books.

Señor Nodarse has, however, been able to bring about the following changes, which the commission heartily commends:

1. The introduction of a system of double-entry bookkeeping, with a number of auxiliary books from which every necessary detail of any financial transaction can be readily obtained.

2. The substitution of books with stubs for the loose sheets formerly used for pay orders on the treasurer, thus rendering it easy to verify all payments the latter may make, and preserving a complete detailed record of them in the auditor's office.

3. The inauguration of a bureau which supervises the supplies of all classes furnished to every municipal department. This bureau fills out the prices for each article needed in accordance with the city's contracts; or, when there are no such contracts, at the lowest market rate obtainable, after receiving sealed bids from reputable dealers.

Under the Spanish system the head of each municipal department purchased such articles as he deemed necessary in the open market, without any other check than the approval of the councilman appointed as inspector (*concejal inspector*). These councilmen simply wrote "approved" at the bottom of each bill, without stating that they had inspected the quantity or quality of the articles received; and as they received no salaries it is safe to infer that their approval was only perfunctory. Under this new bureau and supervision it is estimated that the city has saved 25 per cent in its expenses for material.

4. The adoption of a statistical record of the number of inmates in the city's prisons, hospitals, and asylums, which enables the auditor to determine the relative expense per inmate.

5. The abandonment of the necessity of the auditor's countersigning every tax receipt when paid, thus saving much time and trouble to the taxpayer. Such countersignature is continued within the collector's department, but not on the auditor's recommendation.

6. The payment of all the receipts of the city jail into the treasury direct, and allowing the chief jailor a sum for petty expenses, for which he accounts monthly with vouchers. This system has also been extended to other city departments.

7. A modification of the system of payment, at the same time establishing certain days for paying certain departments, thus avoiding delays and confusion.

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(1) Water rents, ordinary income.....	\$272,000	
(2) From the three markets.....	145,000	
(3) From the slaughterhouses.....	138,000	
(3a) Censos, or ground rents.....	6,000	
		<hr/> \$561,000
Second group, income from direct taxes:		
(4) Tax on the consumption of meat (consumo de ganado).....	676,000	
(5) Tax on city and rural real estate.....	190,000	
(6) Industrial tax on persons and industries on which the State also imposed a tax.....	234,000	
(7) Industrial tax on persons and industries on which the State imposed no tax.....	104,000	
		<hr/> 1,204,000
Third group, income from taxes and licenses of small amount, some of which are for police purposes:		
(8) Tax on charcoal and coke.....	44,000	
(9) Income from the jail.....	20,000	
(10) Building permits.....	28,800	
(11) Licenses to street vendors.....	16,000	
(12) Licenses for horses used for pleasure.....	12,899	
(13) Tax on building timber and firewood.....	8,500	
(14) Tax on handbills, signs, etc.....	7,619	
(15) Assessment for repairs of sewers and sidewalks.....	6,300	
(16) Sale and rent of city lands.....	5,000	
(17) Fines for misdemeanors.....	4,300	
(18) Licenses to rent seats in the public squares and promenades.....	4,079	
(19) Sale of municipal stamps.....	2,760	
(20) Care of horses at markets.....	2,100	
(21) Fees for issuing certified copies of documents.....	1,990	
(22) San José Asylum.....	1,030	
(23) Cédulas for citizenship certificates.....	14,000	
		<hr/> 179,377
Total.....		<hr/> 1,944,377

These several sources of revenue were treated at length in our former reports, to which we beg to refer you for details, and all figures given in this portion of the report refer to Spanish gold unless otherwise stated.

It was shown in a former report that not less than 1,000 houses in the city were taking water illegally without payment. The number is about one-tenth the number of lawful water plugs in the city. The commission recommended that—

(1) These illegal water takers be compelled to pay both for the current year and for arrears.

(2) That water rates at the legal rate be collected from the houses where water rates were called "Redeemed" on payment of a small sum forty years ago, and from

those which as "Mercededas" claim a gratuitous exemption. (These houses number about 1,400, or one-eighth of all the houses in the city.)

(3) That the present very low water rates be changed and an entirely new schedule of rates be adopted (a draft of which the commission submitted).

(4) That a metered service be introduced for all large consumers.

(5) That as an economy in collections the water tax be collected in the same collection with the house rental or land tax, inasmuch as the water rates are based upon assessed rental value of the house.

We are informed that none of these recommendations have been adopted by the ayuntamiento. The commission believes that these changes would add from \$50,000 to \$75,000 per annum to the city's income for water rates.

The actual amounts received by the city for the nine months from July 1, 1899, to March 31, 1900, from the property in the first group, which may be called the city's business investments, is as follows:

	United States.	Spanish gold.	Spanish silver.
Cristina Market	\$15,167.63	\$10,906.69	\$241.43
Tacon Market	64,458.28		
Colon Market		7,486.78	13.24
Total	79,625.91	18,393.42	254.67
Water rents	24,387.31	228,419.81	39,692.91
Slaughterhouses	107,491.90	826.57	
Ground rents	175.17	134.45	
Total	211,680.29	247,774.25	39,947.58

Reducing this to Spanish gold we get a total for these nine months of \$516,574.89, or at the annual rate of \$745,718.61, or an increase of a little over one-third over the average collection in normal times under Spanish rule.

CHANGES IN THE TAX SYSTEM.

The orders of the military governor of Cuba, which have affected the system of taxation in the city of Habana, and of which you have full copies, are set out in the following brief extract:

No. 9 (February 1, 1899).—Civil officials of provinces and municipalities will be appointed by the military governor, "who will consider such recommendations as the department commanders may submit."

No. 10 (February 10, 1899).—Remits all taxes due under Spanish laws and unpaid on January 1, 1899.

No. 13 (February 27, 1899).—The "section of government," in the secretary of state's office, is given charge of municipal matters.

No. 27 (March 25, 1899) abolishes: 1, Municipal assessments, known as "repartimientos," and remits unpaid quotas; 2, tax on beef at 4½ cents per kilo; 3, all taxes on food and fuel, except liquors; 4, municipal tax on importation or exportation of merchandise or cattle, "and all municipal taxes now affecting these articles are hereby abolished."

The following taxes are turned over to municipalities:

1. The tax on city realty (fincas urbanas), which is fixed at 8 per cent of the net rental income as now assessed in Habana, Matanzas, Cardenas, Sagua la Grande, Cienfuegos, and Santiago de Cuba, and at 6 per cent in other cities, to be collected quarterly.

All other taxes on city realty are abolished, but the municipal surtax for the third fiscal quarter (January to March) shall be collected by the cities.

2. The tax of rural realty (fincas rusticas) is changed to the single tax previously levied by the State (2 per cent of the rental value).

All rural realty taxes less than \$5 a year and all taxes on actually unproductive estates are abolished. "Properties shall be considered as actually productive which are now worked or cultivated, as stated in the assessment rolls now in force."

3. The industrial tax (subsido industrial) is now reduced to one municipal tax, which shall be 75 per cent of the amount levied according to the "State tax rolls now in force on industries included in the first tariff."

The taxes in the second tariff on salaries, concert companies, newspapers, gymnasia, and schools are abolished; other industries in this list shall pay 75 per cent of the present tax.

The rate on industries of the third tariff shall be reduced one-third, except on manufacturers of liquors.

The fourth tariff is abolished.

The fifth tariff shall be reduced one-half.

All municipal surtaxes and collection taxes are abolished.

General rules: All taxes shall be paid in United States money. Municipalities shall collect these taxes themselves in conformity with the municipal law, and the department of finance shall furnish them with certified copies of the tax rolls. The excise tax on the wholesale and retail sale of liquor is provisionally transferred to the municipalities, with an increase of 50 per cent in the first five classes and 100 per cent in the others, payable in United States money. The cities shall be furnished with certified lists of the taxpayers within their limits. The taxes on telephone companies entirely within the limits of any city shall be transferred to it.

No. 44 (April 19, 1899).—Reduces the tax on real-estate securities and conveyances by one-third or one-half, fixes the inheritance tax, abolishes all war taxes, and directs payment of all taxes in United States money.

No. 73 (June 9, 1899).—Fixes the municipal slaughterhouse fees at not over \$2 for each head of cattle, \$1 for each hog, and 50 cents for each sheep or goat in Habana, Regla, Guanabacoa, Marianao, Matanzas, Cardenas, Sagua la Grande, Puerto Principe, Pinar del Rio, Cienfuegos, and Santiago de Cuba; in other cities at \$1.50 each head of cattle, 75 cents each hog, and 50 cents each sheep or goat, in United States money.

All charges for use of municipal slaughterhouses or stock yards, including inspection of meat, shall be at these rates.

Provides for establishing slaughterhouses and fixes municipal taxes, payable at them, at 75 per cent of the above rates.

Gives the municipalities the exclusive right to carry the meat from the public slaughterhouses to the shops.

No. 77 (June 14, 1899).—All property held by the state or any city for the non-payment of taxes accruing before January 1, 1899, shall be returned to the owner, under certain regulations, unless in the hands of a tax purchaser.

No. 85 (June 20, 1899).—The fiscal year shall end on June 30.

No. 106 (July 11, 1899).—From the date of the publication of this order (published in the Gaceta, July 14, 1899), the state and not the city shall collect the industrial tax (contribution industrial) on banks of issue and discount, stock companies, railroad and shipping companies, insurance companies, foreign corporations and companies. Cities may collect the land tax on properties owned by these companies.

No. 220 (November 17, 1899):

I. In consequence of inadequate municipal revenue "to meet expenses of municipal government—properties taxable under the laws of the island being temporarily unproductive to a very large degree, because of devastation by war—the state will appropriate" a monthly fixed sum to pay the municipal police.

II. Police not paid for the current month will receive pay at municipal rates; hereafter they will receive the rates hereinafter set out.

III. Fixes the rates of payment by the state and orders that the pay received shall determine the grade of the recipient. Fixes the pay (and thereby the grade) of the highest officer in each town. State money given for police purposes shall be used for nothing else.

IV. The state will pay its assumed obligations for public instruction and police through the provincial branches of the hacienda (insular treasury).

V. The state will also aid hospitals and asylums "to such extent as shall be determined necessary."

Here follows a list of Cuban municipalities with the gross amount to be given each, and the highest salary allowed to any police officer. There is no appropriation of any kind for Habana.

These orders are applicable to the whole island of Cuba and were issued under extraordinary circumstances; almost all of them were drafted within six months after the transfer of the island to American control. At that time the country was suffering not only from the ravages of a four years' war but from a system of war taxation superimposed upon the old Spanish system which even in times of peace was framed so as to collect as much as possible from every inhabitant. The need of relief was instant and pressing; there was no time for an exhaustive study of the system of taxation, but instant action was imperative.

The functions of this commission extend to the city of Habana only, and its discussion of the effects of these orders will be confined within the same limits. It must therefore be constantly remembered that the following discussion covers only a

small part of the purpose and effects of these orders. Even this small part can not be treated definitively now for several reasons. In the first place the city has not yet administered this new system for a year; further, the whole police expenses in Habana have been borne by the city since March, 1899, while they were formerly a state charge; the expense of the city's engineering department also during that time was borne by the state but is properly a municipal expense, and besides the system of quarterly collection of taxes is so dilatory that only six months' taxes have been collected since July 1 last, and it is impossible to assign any amount to the present income of the city which can be considered more than an estimated approximation to the true figures.

For these reasons if any of the deductions of the commission are that the city of Habana has suffered from the effects of these orders, this is not intended as a reflection on the propriety of the orders themselves, but merely the presentation of certain local results made with the view of giving some information that may be of value in determining future action. It will be seen at a glance that these orders concentrate the complete control of all municipalities in the hands of the military governor of the island, who not only appoints all municipal officers, but determines the appropriation for police and the pay of individual policemen in the municipalities of Cuba. (Orders No. 9, February 1, 1899, and No. 220, November 17, 1899.) This control was formerly vested in the "deputacion provincial," which was abolished, with a great saving of public expense.

On January 1, 1899, the city of Habana owed a floating debt of about \$2,840,000 and a bonded debt of \$9,625,000; in all, about \$12,465,000. The arrears of taxes at this time in Habana were upward of \$133,000. This asset of the city was entirely destroyed by the orders remitting all arrears and returning to the owners all property held to secure such arrears. (Orders No. 10, February 10, 1899, and No. 77, June 14, 1899.)

The reduction of the taxes on real-estate securities has not affected municipal finances (Order No. 44, April 19, 1899), but the direction contained therein and in the order of March 25, 1899, to pay all taxes in American money has increased the income about 10 per cent.

The effect of Order No. 27, of March 25, 1899, was far-reaching. This order abolished some taxes, changed the rates of others, and affected the city of Habana especially. Such of these taxes as were collected in the city of Habana have been described in the commission's previous reports to you, and it only remains now to describe the effect of these decrees on the city of Habana.

It is not possible to give any accurate estimate of the results of these changes at this date for the reasons above stated and because of the diversity in the classification of income in the various city departments above described. It is, however, estimated that the gross income of the city for the current fiscal year (June 30, 1899, to June 30, 1900) will be about the same as before the Cuban war (about \$2,000,000 a year) and will just about pay its expenses as now constituted. When one year's taxes have been collected an accurate estimate can be made and the deductions drawn from it will be the proper basis from which to prepare any further definite plan of taxation.

In view of such estimate it may seem unimportant to give much consideration to this subject, but we must remember that the city does not now pay any of the expenses of its engineer department (or public works), or of public education, and such a study becomes of vital importance when we consider three points: (A) How far has the total of taxes paid by the inhabitants of the city of Habana been reduced by these changes in the law; (B) what are the present needs of the city; (C) what can we learn from its past experience?

A.—*The reduction to the taxpayers.*

The decrees of March 25, June 9, and July 11, 1899, abolished the meat tax and taxes on food and fuel and increased the city's quota from the urban realty tax, the industrial tax, the liquor tax, and turned over to it the telephone tax.

In regard to the urban realty tax a reference to the taxation report of this commission will show that these taxes were formerly 12 per cent on the net rental value plus 5 per cent on the amount of the tax for collection paid to the state, and the tax paid to the cities was 23 per cent of the state tax plus 5 per cent of this for collection. As a result the total tax to the state and city on a rental value of \$1,000 a year (after deducting 25 per cent for repairs, as the law requires) under the old law was \$117.31 a year. The taxpayer now pays 8 per cent only on the net rental value, which in the example just taken would be \$80 a year (8 per cent on \$750). Further, the old taxes by the state were 12.6 per cent and of the city 3.0429 per cent of the net rental

value, and the gross tax formerly imposed was 15.6429 per cent of the net rental value. The increase in the city tax rate from 3.0429 per cent to 8 per cent is an increase only of 4.9571 per cent. Since the amount of this increase in Habana is about \$250,000 a year, we can calculate the following estimated results:

Gross annual state and city tax paid by citizens of Habana under old law.....	\$788,913.84
Estimated annual city tax under new law.....	403,461.68

Gross annual decrease in urban realty tax in Habana paid to both city and state	385,452.16
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The industrial tax formerly collected by the city was 30 per cent of that collected by the state plus 6 per cent on the amount collected for collection expenses, or 31.8 per cent of the state tax. Since the schedule of these taxes was and is very elaborate and complicated, and the changes by the intervening government have totally abolished many of these taxes and reduced others by one-fourth to one-half, it is impossible to calculate the gross reduction in them. A rough estimate is that the gross amount of the reduction of this tax formerly paid by citizens of Habana alone to the state and the city is \$300,000 a year.

The increase in the liquor excise tax was 50 to 100 per cent; let us average it at 75 per cent. The increase to the taxpayers in Habana would then be \$42,800 a year. We thus get the following results:

Estimate of reduction of taxes in the city of Habana by the intervening government per annum:

Meat tax	\$675,000
Food and fuel tax	50,000
Urban realty tax (say)	385,500
Industrial tax.....	300,000
Gross reduction	1,410,500
Less increase in liquor excise tax (say)	43,000
Net reduction in city of Habana.....	1,367,500

It must be borne in mind that this calculation does not include the remission of arrears of taxes due, the abolition of capitation taxes, of tax on academic degrees, and the war taxes, nor the reduction of the tax on real estate securities and conveyances, which four last-mentioned taxes were collected by the state only, but not by the city.

What the grand total reduction of taxation is in the whole island no one but the secretary of the hacienda can say. It would seem to approximate 40 per cent.

A general reduction of Cuban taxes was unquestionably necessary and wise, but let us consider how the plan which has been put into effect has affected

B.—The present needs of Habana.

The present needs of Habana are set out in your last annual report (p. 41). Its debt at the present date is about \$12,420,000. It needs, say, about \$14,580,000 more for sewers, paving, and water, which will bring the debt up to \$27,000,000. Its gross cash receipts for the year 1899 were \$2,150,137.72 in United States money, but \$527,429.27 of this amount was given to it by the insular government, so that its income from its property and sources of taxation was \$1,622,270.45 from January 15 to December 31, 1899, inclusive. The expenses from January 15 to December 31, 1899, were \$1,953,718.09; deduct ordinary income, \$1,622,270.45, and the deficit for 1899 was \$331,447.64.

The sums included for the annual work necessary for the maintenance and repairs of sewers, pavements, and the water system are wholly inadequate for the future. It must also be borne in mind that the expenses of the city during the period of reorganization, or, say, from January 1 to March 1, 1899, were very much less both for salaries and material than they have been since.

The expenses of Habana can be reckoned. A loan of \$27,000,000 at 5 per cent per annum will pay annually \$1,350,000 as interest; it can be redeemed in twenty-five years by an appropriation of \$648,500 a year (allowing 4 per cent per annum compound interest on the sinking fund), and the expenses of administration of the loan should not be over \$40,000 a year. The loan will thus cost the city each year \$2,038,500; the present rate of expenditure, after deducting the expenses of the existing first and second mortgages, is \$1,246,238.47; the additional expense for mainte-

nance of sewers, pavements, etc., will not be over \$350,000—total, \$3,634,738.47, or, say, \$3,700,000 a year.

The conclusions of this commission in a previous report were that the city could easily raise \$3,500,000, and the difference between this amount and the estimated necessary income could easily be obtained by a careful cutting down of expenses combined with an energetic enforcement of the existing tax laws. If the taxes formerly collected from its citizens by the state, and not abolished, had simply been turned over to the city at the old rates, the latter would now have a yearly revenue of \$3,000,000 a year at the least, and by a careful revision of the tax lists in the interest of the city this could, in the opinion of the commission, be increased to \$3,750,000.

C.—The past experience of Habana.

The experience of the city of Habana in the past under the system of taxation which existed under the Spanish rule is that the city has been chronically bankrupt. Later in this report the detailed history of its transactions with the Bank of Spain is set out briefly, as well as the method used to redeem the bonds of 1880 and pay the floating indebtedness of the city in 1889. It has been seen that the city has practically no control over its income, and it will be seen later that it was obliged to borrow constantly increasing amounts by mortgages on all its real estate in order to effect any important improvements, and that it paid its floating debt at 70 per cent of the face value. In the course of its investigations the commission has also seen a number of expedientes in which the city offered to pay its creditors at from 15 per cent to 90 per cent of the amount of their claims in full settlement. The commission is informed that such payments were generally accepted, even by day laborers whose claims were undisputed and of several years' standing.

It has already been mentioned that the expenses of the city of Habana in the year 1899 were \$331,447.64 more than its regular income, and but for the moneys it received from the insular treasury during that time (\$527,429.27) it would have been bankrupt then.

All this is the result of the complete dependence of the city on the state and its utter lack of autonomy. Under the necessarily transitory legislation of the past year its authorities have not been able to ascertain the extent or limitations of their several powers. At present it needs large sums of money to educate its children, keep the citizens free from disease, and improve its commerce by the substitution of proper pavements for the ancient atrocities now existing; in other words, to put itself in the position of a modern, healthy, comfortable city. It has pledged all the property it owns, and even if that were freed from the existing incumbrances its value is not large enough to furnish the necessary security. The city has absolutely no taxing power to pledge. It is helpless and lives on alms. The origin of this condition has been shown. The past action of the intervening government in reducing the taxes without granting any municipal autonomy has continued it. What is necessary is the most complete autonomy possible for the city, subject only to such broad governmental restrictions as are absolutely necessary. If it does not receive such autonomy it must either live on state alms or become a bankrupt, as it was under the Spanish régime, its citizens will take no interest in its affairs, and only the needy or the timeservers will consent to administer its offices.

Such a change in the law is radical, and can not be made except in connection with such a reorganization of the judicial system now in vogue here as will enable creditors and citizens to hold the city and its officials to a full accountability for all their acts and to an honest, fearless, and energetic discharge of their duties.

This commission is aware that other commissions have been recently appointed to revise the system of taxation and to carry out other needed reforms, and waits with much interest the result of their labors.

From time to time the commission recommended changes relative to the city finances which seemed to them advantageous to the municipality, many of which have been adopted. On April 13, 1899, it recommended the discontinuance of all contracts for prison labor in the city jail and in the women's prison, and that the inmates there be put to forced labor on such matters as might be advantageous to the city, such as the establishment of a bakery and of a laundry, and the manufacturing of such articles which the city used as could be made by unskilled labor. No action has been taken on this recommendation.

The commission also recommended that the right of use of the corrals and slaughtering pens in the public slaughterhouse which had been granted to certain whole ale butchers by resolution of the ayuntamiento, dated August 13, 1894, should be abolished. This was done by you by Civil Order No. 16, of the series of 1900, dated April



CRISTO PARK. IMPROVED BEDS. APRIL 1, 1900.



CRISTO PARK. GENERAL VIEW, LOOKING WEST. APRIL 1, 1900.



JESÚS MARÍA PARK. GENERAL VIEW, LOOKING WEST. APRIL 1, 1900.



JESUS MARIA PARK. IMPROVED BEDS. APRIL 1, 1900.



PUNTA PARK. MASONRY AND IRON FENCE. JANUARY 1, 1900.



PUNTA PARK. CENTRAL FOUNTAIN. APRIL 1, 1900.





PUNTA PARK. IMPROVEMENT IN PROGRESS. APRIL 1, 1900.

7, 1900. The commission believes that this will break up the monopoly which has practically existed heretofore of slaughtering cattle at the larger slaughterhouse, and will enable persons other than those who enjoyed this monopoly to use that slaughterhouse to advantage, and thus reduce the price of meat in the city.

III.—DISPOSITION OF CITY REVENUES.

Under the Spanish municipal law the cash of the city could only be expended upon the order of the mayor and in accordance with the annual budget, and under the Spanish law of accounts all expenses for \$1,000 or more were required to be made by contract after public bids. In the past history of the city these laws have been more honored in the breach than in the observance, as has already been stated. As a matter of fact, the mayor ordered such payments as he saw fit and the other employees felt obliged to make them.

In order to show the purposes for which the city funds were expended during the ten years prior to the American occupation, the commission begs to refer to Appendix C, hereto annexed, which gives an itemized detailed statement of the city expenses, and, as a basis of comparison, it also appends a statement of the city's income during the same period (Appendix D).

The expenses of the city for the year 1899 are also shown by Appendix E, hereto annexed, and as a basis of comparison with this and the two preceding appendices the commission appends a statement of the income of the city for the same period (Appendix F).

IV. THE CITY DEBT.

There are three bonded loans of the city of Habana under which bonds are now outstanding:

- (1) The \$5,000,000 bond issue of 1880.
- (2) The \$7,000,000 mortgage of 1889, commonly called the "First mortgage," or "Spanish Bank mortgage."
- (3) The \$3,000,000 mortgage of 1889, commonly called the "Second mortgage," or "Bank of Commerce mortgage."

(1)—The bond issue of 1880.

This issue was made on November 1, 1880, and was simply an issue of coupon bonds of the face value of \$1,000, \$500, and \$100, to an amount not to exceed \$5,000,000, Spanish gold. The commission has been unable to determine definitely the number of such bonds issued except that under date of May 1, 1881, a committee of the city council reports the last number of the bonds of each class issued, from which the following statement can be made:

	Number of last issue.	Value.
\$1,000 bonds.....	983	\$983,000
\$500 bonds.....	1072	536,000
\$100 bonds.....	2818	281,800
Total.....		1,800,800

These bonds matured on November 1, 1895. Nearly all the outstanding bonds and coupons of this issue were redeemed by the second-mortgage bonds of 1889, but this redemption was optional on the part of the holders, and was at a discount of 30 per cent. The number of these bonds now outstanding is not accurately known and no records showing the number have been found in the city offices. The commission has therefore been unable to make an official estimate of the amount, but from unofficial sources is of the opinion that the amount is less than \$55,000 par value. This includes 12 of these bonds of \$500 each deposited in the city treasury for the benefit of 12 women who were formerly inmates of a foundling asylum, on which the city pays to them 8 per cent interest per annum. The value of the outstanding unpaid coupons of this issue the commission estimates at \$18,200, from unofficial sources.

The holders of some of these bonds have made a demand on the city that they be paid interest on them for the current year, and such application has been denied and the denial approved by the military governor of the island.

(2)—*The first-mortgage bonds of 1889.*

THE TERMS OF THE MORTGAGE.

On April 22, 1889, the city executed a mortgage to the Spanish Bank of the island of Cuba for \$6,500,000, and on February 4, 1893, by another instrument, an additional issue of \$500,000 was made on the same terms and security as the previous issue of \$6,500,000. An abstract of the terms of this mortgage in English has been heretofore submitted to you and is in your files.

This mortgage recites that the city was previously indebted to the Spanish Bank, under the agreement of February 26, 1879, in the sum of \$3,177,653.25; that the first installment of the principal of this debt fell due June 30, 1884, and that a portion of the interest then due remained unpaid; that the bank thereupon sued the city, and that, after conferences between the representatives of the city and the bank, an agreement was made binding the city to execute a mortgage for \$6,500,000, Spanish gold, face value, representing \$6,177,765.32, cash or actual value, under the terms of issue provided in the mortgage, the proceeds to be used in discharging the debt to the bank and completing the Vento Canal; that the governor approved and authorized the loan by two decrees, both dated September 24, 1888; that this loan was offered at public sale under these decrees and no bidder appeared, and that certain details not covered by decree had been thereafter determined by correspondence between the bank and the city.

The mortgage then sets out the terms of the mortgage agreement, of which the essential parts are as follows:

The city will issue 65,000 bonds of \$100 each, payable to bearer.

The bonds shall be issued at Habana, payable in Habana, Madrid, New York, London, or Paris, at the option of the holder.

The city shall pay interest quarterly at 6 per cent per annum, at certain fixed values in foreign currency.

A certain number of bonds shall be drawn every quarter for redemption, and cease to bear interest on the last day of the quarter in which they are drawn.

Bonds drawn before issue shall be issued to the bank at 90 per cent.

The city shall not substitute other documents for the bonds; the bonds drawn for payment shall be canceled with their coupons.

The city shall deliver to the bank 60,000 bonds of the face value of \$6,000,000; of these the bank is to receive, in full payment of the debt of the city, bonds to the face value of \$3,177,653.25. The balance of \$2,822,346.75 at par value the bank is to take at 90 per cent, or at an actual valuation of \$2,540,112.07, and is to use this balance—

A.—To pay for the work on the Canal de Vento up to the sum of \$1,850,000 actual value.

B.—To pay the expenses of engraving the bonds, of the mortgage, copies, paper, stamps, taxes, and all expenses of canceling the debt of the bank and carrying out the terms of this agreement.

C.—To deliver the remainder to the city, which will apply them: First, the amount of \$317,000, face value, as a deposit in the bank to await the result of any litigation between the city and the holders of the Canal de Vento bonds, and, second, the balance to such purposes as may be determined by the junta municipal called for the purpose.

The 5,000 remaining bonds the city retains on deposit for the sole and exclusive object of applying their proceeds to the purposes of this loan during the continuance of the work on the Vento Canal.

The bonds of the face value of \$2,055,555.55, and actual value of \$1,850,000, which are set aside for the completion of the Canal de Vento, shall be deposited with the bank and shall not bear interest until they are issued for this purpose. When issued, they shall be without the coupons of the previous quarters, which coupons shall be canceled. The remaining bonds, when issued, shall bear the coupon corresponding to the quarter of the date of issue, and all the preceding coupons shall be canceled.

The city acknowledges its indebtedness of \$6,500,000, with interest at 6 per cent per annum, to be paid as set out in the decree of September 24, 1888. Of this sum the bank shall receive the said \$6,000,000, and the remaining 5,000 bonds of face value \$500,000 shall be retained for the objects set out. The delivery of the bonds to be made in five months from date of the mortgage, but the \$6,000,000 bonds shall be considered as issued on the 1st day of April, 1889, and shall bear that date.

When the bonds are delivered to the bank it shall cancel its former mortgages.

The form of the bond and coupon is given in the mortgage, which describes at

length the property pledged as security for the loan and notes the existing contracts or incumbrances affecting said property, viz: The Vento, or Albear, Canal for \$5,000,000, Spanish gold, principal, interest, and \$30,000 for costs or expenses; the Aqueduct of Ferdinand VII for \$150,000 principal, the interest, and \$3,000 costs; the Cristina Market for \$100,000, Spanish gold, principal, its interest, and \$3,000 costs; Tacon Market for \$950,000, Spanish gold, principal, its interest, and \$10,000 for costs; the Colon Market for \$300,000 principal, its interest, and \$4,000 for costs; including also a mortgage on the "plumas de agua," or water taps, and the income of the mortgaged properties; also the income of the larger and smaller slaughterhouses, of which, by the terms of the mortgage, the administration is given to the mortgagee. The mortgage provides that the mortgagee shall take possession of all the mortgaged properties and collect their revenues, and shall be subrogated to all the powers of the city for the purpose of realizing revenues upon them.

If the \$1,850,000 is not sufficient to complete the canal, this loan may be increased by \$500,000, face value, for that purpose, under the same terms and conditions set out therein. No other lien upon the same property shall be lawful unless it recognizes the priority of this mortgage for the full sum of \$7,000,000. The lien in this instance is apportioned among the various properties mortgaged.

The bank shall give a complete written quarterly statement to the city.

The city of Habana shall be the place for all notices and legal proceedings.

INCREASE AGREEMENT.

It being found that the money realized under this first mortgage was not sufficient to complete the Vento Canal, a further mortgage, or increase agreement, was executed as provided by section 24 of the first mortgage. This increase agreement was for \$500,000, thus making the entire first mortgage \$7,000,000. It was dated February 4, 1893. The details of this increase agreement were substantially the same as those of the first mortgage itself.

ISSUE OF THE BONDS.

Under the above mortgage and increase agreement 70,000 bonds, of the face value of \$100 each, were issued, in all \$7,000,000. A tabulated statement is annexed hereto, marked "Appendix —," showing the dates of issue of the various bonds, their value, the purposes for which they were respectively issued, and the number of coupons issued with each bond. The summary of this table shows the number of bonds and the face value issued for each of the purposes to which the loan was appropriated.

I.—BONDS ISSUED TO PAY PREVIOUS INDEBTEDNESS.

Of the whole mortgage loan, the bank received 31,777 bonds in payment of \$3,177,653.25 which the city then owed the bank. In order to make up this exact amount a portion of one bond was taken by the bank and paid for at 90, the remainder of that bond being taken at par, as were the other 31,776 bonds.

The above debt of the city was a settlement of certain old accounts which began with the loans of 1869 and 1872. On March 20, 1869, the city borrowed from the Spanish Bank 3,600,000 escudos (1,800,000 pesos), giving a mortgage on the Cristina and Tacon markets and their income. This loan was to be repaid in monthly payments on account of the principal and interest. As long as the bank continued to make the advances—which it did until the whole sum was advanced—the city repaid the sums agreed upon. On August 24, 1869, the bank again loaned the city the further sum of 600,000 pesos (1,200,000 escudos) which the city promised to repay in monthly payments of principal and interest beginning February 1, 1870. Upon this loan also the city made repayments as agreed as long as the advances from the bank continued, and the mortgage was then extended. On November 12, 1872, the city made a third mortgage to the bank on the Cristina, Colon, and Tacon markets for \$500,000, which was paid in bills of the bank, which was to be repaid in six months, with interest at 8 per cent. On June 25, 1873, an extension of this loan was made at the request of the city, the interest on this extension to be 12 per cent per annum.

All these loans were secured by mortgages upon the city's real estate and were sanctioned by the governor-general. When the advances by the bank ceased the repayments by the city ceased, and the arrears and interest rapidly accumulated. These arrears bore interest at rates from 8 to 12 per cent per annum. The city finally ceased all payments, and, in consequence, on February 26, 1879, these three mortgages were merged into or replaced by an agreement by which the bank received notes of the city for \$3,177,653.25 as principal, and a series of notes for the interest. This sum of \$3,177,653.25 was determined by a joint commission appointed by the

city and the bank. The above principal was included in 10 notes, one to be repaid annually, beginning with June 30, 1884. The interest notes were to fall due one every quarter, beginning with September 30, 1878.

The first of the 10 principal notes fell due in 1884, and the city was not only unable to pay the principal note, but on that date had paid only 10 of 26 interest installments then due. The bank thereupon sued the city for the principal and interest and obtained a receiver of the city properties, who remained in possession of them until the mortgage of 1889 above described. Under this mortgage the bank received bonds in full payment of its claim of \$3,177,653.25, and the remainder of the \$7,000,000 of bonds were issued from time to time for other purposes provided in the mortgage.

The bank thereupon took charge of the collection of the income from the slaughterhouses, waterworks, and markets, and continued to collect it until very recently, making quarterly settlements with the city.

The old debt above referred to was represented by 10 principal notes and 60 interest notes under the agreement of 1879. All but 24 of the notes were surrendered by the bank to the city, were canceled, and are now in the secretary's office. The remaining 24 notes are not to be found in the city offices. Señor de la Moneda, formerly city auditor, testified before the commission that the bank had waived payment on 4 of these notes, that 9 had been paid in full, and that these 13 had been sent to Spain as vouchers; the remaining 11 were notes upon which suit was brought by the bank, and are supposed by the commission to be attached to the papers in the suit; but the keepers of the court records have not been able to find them, and the condition of the court records is such that we believe they will not be found. As, however, the agreement of 1879 is canceled by the mortgage, the commission believes it not important to find them.

The bank, on November 12, 1892, also canceled of record the prior mortgages of the city, dated respectively June 24, 1861; March 20, 1869; August 24, 1869; November 12, 1872, and February 26, 1879, and they so appear now in the registries of "Centro" and "del Occidente" and "del Mediodia" in Habana. All these mortgages, except that of 1861, are noted or recorded at Bejucal, but are not canceled of record. In the suit which the bank began in 1884 it obtained two attachments (embargos) against the city, which are yet outstanding, uncanceled liens of record in all these registries against the three markets, the aqueduct of Ferdinand VII, and the Canal de Vento. This suit was never formally terminated, though the judge of Cerro, on May 1, 1889, directed that the attachments be canceled and the receiver discharged, but the attachments are still uncanceled of record. The receiver appointed in this suit was finally discharged by decree of the judge of first instance, western district, dated February 24, 1892.

The bank agreed to dismiss this suit. (Par. 30, Sec. VIII; abstract, p. 24; mortgage, p. 60.) It should be required to do so, and to cancel the record of attachments which arose out of it, and which to-day form outstanding liens of record on the city properties. The bank also agreed to cancel the previous mortgages. (Par. 18, Sec. VIII; abstract, p. 17; mortgage, p. 33.) It should be requested to cancel these mortgages registered in Bejucal.

PAYMENTS FOR THE VENTO AQUEDUCT.

The bank paid for the work on the Vento Canal the sum of \$2,359,786.73, for which it received 26,220 bonds at a valuation of 90 per cent. The vouchers for these payments have been examined and found correct. Each voucher consists of a statement of work done in gross and in detail. Each payment was made on an order from the city, signed by the mayor, secretary, and auditor.

PAYMENTS FOR THE EXPENSES OF THE MORTGAGE LOAN.

The bank paid for expenses incident to the mortgage and its increase the sum of \$158,851.39, for which it received 1,765 bonds at a valuation of 90 per cent.

These items can be classified as follows:

Official fees for certificates, etc.....	\$2,487.00
Stamped paper, etc.....	8,929.00
Engraving bonds, etc.....	42,356.94
Taxes	105,078.45
Total	158,851.39

Vouchers for all these payments have been examined except (a) the payments to the American Bank Note Company, and (b) three tax payments aggregating \$4,794.65.

(a) For the payments to the American Bank Note Company, the bank showed duplicate bills of exchange accompanied by a notary's certificate as to the rate of exchange. The existence of these at this late date, while not technically conclusive vouchers, seems, under the circumstances, sufficient.

(b) These payments for taxes and stamped paper are correct in amount, and the bank exhibited the orders of the bank's auditor to the cashier for their payment, with a dated stamp of the cashier stating they were paid. As the mortgage could not be recorded unless these payments had actually been made, such proof seems sufficient.

PAYMENTS TO REDEEM THE OLD "CANAL DE VENTO" BONDS.

The bank holds a receipt from the city officers for the sum of \$265,300 in gold, in payment for which it received bonds of the par value of \$317,000. This sum was used to take up the old outstanding bonds of the Canal de Vento. It appears that such payment was made on June 8, 1891, from the account books of the auditor's office, and from a report of the auditor to the mayor, dated June 30, 1891, which also sets out that all the bondholders were paid and the bonds of the Canal de Vento were canceled.

ISSUANCE OF 2,068 BONDS BY THE CITY FOR VARIOUS CITY EXPENSES.

On April 12, 1897, the governor-general issued a decree authorizing the city to use the 2,668 bonds, then remaining in the bank, for various pressing needs of the city other than the expenses of the Canal de Vento. The bank objected to this, and the governor-general, on August 20, 1897, confirmed his former decree. The bank, however, refused to surrender the bonds except for the purposes of the loan, and, on March 15, 1898, the city appealed to the secretary of grace and justice against their refusal, stating that the bank had previously thereto issued 600 of these bonds to pay part of the expenses of the canal. On April 26, 1898, that secretary informed the mayor that the governor-general had ordered the bank to surrender the bonds it then held; and on May 7, 1898, the bank did surrender the balance of 2,068 bonds then in its possession to the city, with \$5,500 in cash which it had collected to pay for 55 of them previously redeemed by lot. The bank holds a proper voucher for this surrender and payment.

It appears from the city's books that such of these bonds as had not been previously redeemed were turned over to the city's cashier during May, June, and July, 1898, and were then treated as cash, and issued at par by him before January 1, 1899, to pay overdue debts of the city. Since these bonds appear as cash in the city accounts, it would be extremely difficult to make a list of the items paid by them; and it does not seem necessary to do so for the purposes of this report, as it would more properly come under an investigation of the cashbooks and miscellaneous accounts of the city, and because the bank can not be held to account for the manner in which the city cashier put these bonds into circulation.

ISSUANCE OF 5,000 BONDS TO PAY INTEREST AND REDEMPTION.

Between July 1, 1889, and January 2, 1892, 5,000 bonds were issued to the bank at 90 per cent to pay the various balances due it for interest and redemption of bonds formerly issued, after applying the proceeds of the water rents for that purpose.

The number of coupons paid and bonds redeemed each quarter is correctly stated in the accounts furnished to the city by the bank and charged by it to the city, except that, in the first quarter of 1893, 80 bonds were redeemed by lot when only 65 should have been. This was because the bonds of the increase of \$500,000 were not delivered until then, and the extra 15 bonds should have been drawn by lots of 5 each in each of the preceding three quarters. This variance from the terms of the mortgage is not important.

The bank, in accounting for the issue of these 5,000 bonds, has charged the city with the amount paid for coupons and redeemed bonds, and has credited the amounts received from the water rents, and has issued enough of these 5,000 bonds to make up the deficit of each quarter. This conforms to the terms of the governor-general's decree of September 24, 1886. (Par. 11, p. 6, of abstract; par. 11, p. 9, of printed mortgage.)

These accounts of the water rents have been compared with the accounts of the representative (delegado) of the ayuntamiento, and are correct.

THE BONDS PROPERLY ISSUED.

After a careful and very long examination of the records of the city and of the books of the bank and the examination of witnesses, the commission reported to you the above facts in June, 1899, and expressed its opinion that all the bonds of the first mortgage were legally issued and are a legal and binding debt of the city of Habana. It is also the opinion of the commission that the bank has done all things incumbent on it to carry out this issue of bonds except to terminate of record the suit brought by it against the city in 1884 and cancel the attachment (embargos) then obtained, and to cancel the mortgages recorded at Bejucal, in which judicial and registry district a portion of the property lies. This matter is now in charge of the city attorney, who is pushing it to completion as fast as is possible in view of the fact that the records of the bank's suit can not be found.

The number of these bonds outstanding on March 31, 1900, was 66,690, representing a debt of the city of \$6,669,000.

These bonds were domiciled on that date, as follows:

Habana.....	787
Paris.....	1, 895
London.....	430
New York.....	63, 578
Total.....	66, 690

THE ACCOUNTS OF THE BANK.

The bank's account of the bonds issued and coupons paid shows that the proper number of the bonds was issued and that they bore the proper number of coupons when issued. The bonds and coupons, both of the original issue and of the increase, are correct in form. (Abstract, pars. 1 and 2, p. 3; par. 14; mortgage, par. 17, p. 7; Sec. VIII; pars. 1, 2, 3, p. 13; pars. 17 and 19, pp. 1, 17; par. 20, p. 18; mortgage, pp. 7, 9, 10, 20, 21, 31, 33, 35.) The accounts of the bank show that the interest payments on the redeemed bonds cease at the proper dates. (Abstract, Sec. VIII, par. 6, p. 16; mortgage, p. 30.)

The bank has rendered quarterly statements to the city as required. (Abstract, Sec. VIII, par. 29, p. 24, mortgage, p. 59.)

The commission submitted to you, in August, 1899, a detailed report upon the accounts between the city and the bank from the date of the issuance of the first bonds until the date of the report. From this more detailed report the following brief summary is presented:

Under the terms of the mortgage the bank has collected the revenues of the slaughterhouses, the income from the markets of Cristina, Colon, and Tacon, and the water rates since April 23, 1889, and has paid sundry expenses of building the Canal de Albear, of redemption and interest, and of administration, turning over the balance to the city.

During the period from April 23, 1869, to March 31, 1899, inclusive, the bank usually furnished to the city three statements for each quarter, which set out, respectively, first, the amount paid for work on the Canal de Albear and for the expenses of the loan, together with the bonds issued against such payments; second, the number of coupons and bonds paid in each quarter and the commissions and exchange paid on those domiciled in other places than Habana, together with a statement of the bonds issued to meet the balance; third, the amounts collected from the slaughterhouses, markets, and water taxes, with the amounts paid for sundry expenses of administration, commission on sums collected, and the cash paid to the city.

Usually the city auditor submitted a report of these accounts to the mayor at the time when they were rendered, which report summarized them and made mention of any errors or omissions. This report was approved by the mayor, and the corresponding settlement between the bank and the city was then made. Wherever it existed this report has been used by the commission as the basis for auditing the bank's accounts; when it was not prepared other means have been employed, which will be explained in connection with each account.

The accounts of the city auditor were made for the information of the mayor, and when approved by him (as they all were) were the basis of all settlements with the bank. Copies were not furnished to the bank, and the originals remained on file in the city auditor's office, where the commission found them. For the reasons stated in the former report, the commission, having no reason to suspect the accuracy of these reports, accepted them as final (where they exist). As they were not, how-

ever, made in every quarter and were not in the form of an account stated, and did not state balances at the end of the respective quarters, the commission prepared and submitted with its former report a separate complete statement of the accounts between the city and the bank for each quarter from May 1, 1889, to April 1, 1899. For a complete and detailed review of the accounts a reference to these statements is necessary, but as they are very long and have already been examined by you, they are not here repeated. (See Appendix A of report of the commission of August 8, 1899.)

INTEREST AND REDEMPTION ACCOUNT.

It has been previously stated that the report by the bank of the number of bonds and coupons to be paid in each quarter was correct with one immaterial variation.

By the terms of the mortgage (pp. 7 and 20; abstract, pp. 3 and 13) the principal and interest can be made payable in Madrid, London, Paris, or New York, at the option of the holder. This right to "domicile" the bonds in a foreign city is, in the opinion of the commission, wholly beyond the control of the city, and the city is bound by the report of the bank as to their domicile. The commission has therefore accepted such reports as correct.

All the bonds were domiciled in Habana until the twelfth quarter of the loan, i. e., January-March, 1892, since which time they have been domiciled in various places at various times. The bank has charged one-fourth per cent commission on all drafts and a varying per cent for the exchange of Spanish gold and silver for foreign currency. The auditor's report covers all these accounts until the second quarter of 1897 (April-June), and the accounts of that quarter are approved by the mayor without a written report from the auditor. These accounts since that date until the fourth quarter (October-December), 1898, have been compared with a statement of the rates of exchange furnished by trustworthy brokers in Habana, and are correct. From the fourth quarter of 1898 to March 31, 1900, these accounts are again covered by the city auditor's reports.

The commission has examined the canceled bonds in the office of the city auditor and found all but 30 of them there. The bank, however, holds receipts of the mayor and auditor for these 30 bonds.

The commission has also examined the receipts at the bank for the surrendered coupons. These receipts are also signed by the mayor and the auditor. For the first twelve quarters of the loan these receipts cover all coupons paid by the bank and also those canceled and surrendered without being paid, because the bonds were issued after such coupons became due. For the thirteenth to the nineteenth quarters of the loan, inclusive, the bank holds such receipts from the city for all coupons paid. In the other quarters of the loan the bank has not surrendered all the coupons, either those paid or those canceled without being paid. Up to and including coupon No. 39 the bank has surrendered practically all the coupons for which it has received funds from the city. It still has to account for 231 coupons No. 40, 50 coupons No. 41, 2,632 coupons No. 42, and 49,358 coupons No. 43, which fell due on January 1, 1900.

There are also 26 bonds which have been redeemed during the year 1899, and for which the bank has received funds which have not yet been turned in to the city.

The commission recommends that a definite settlement of the coupon account be made, and an understanding be had for the future that all coupons and redeemed bonds shall be returned to the city within one year after falling due, or if not returned the amount be charged back to the bank until such coupons and redeemed bonds are presented.

COLLECTION ACCOUNT.

The accounts of the bank for its collections, its charges for administration expenses, for commissions, and for sums paid to and by the city, have been inspected by the commission in various ways.

The reports of the city auditor to the mayor have been used wherever they existed.

A.—The collections were supervised by a representative (delegado) of the city, who made both daily and monthly reports to the city auditor of the sums collected by the bank. An account of these sums was also kept by the clerks of the city at the bank, under the supervision of the delegado, in books prepared for that purpose.

The commission has examined these accounts and the reports of the delegados concerning them and found them correct.

B.—The charges for administration were made against the city by the bank in every quarter as they arose. All of these charges were contested by the city. A joint commission of the city and the bank was appointed in 1896 and settled this

account. On December 31, 1896, the total amount of the charges made for administration expenses by the bank against the city, in its accounts for previous quarters from the beginning of the mortgage, was \$59,772.92. It was agreed by the joint commission that the amount really due from the city to the bank for these items was \$37,937.08. This settlement was accepted by both the bank and the city and was effected in the accounts by the bank crediting the city with the difference between the amount it had charged for expenses and the amount agreed upon as due, namely, \$21,615.84. The bank then paid to the city \$59,772.92 in cash, thus returning to the city the sum which it had previously withheld for expenses. The city then paid in cash to the bank the sum of \$37,957.08, thus liquidating the expenses for which it was properly chargeable under this agreement.

As a part of this settlement the bank and the city agreed that on and after January 1, 1897, the city should repay to the bank the expenses incurred for printing, advertising, cleaning the markets, and the salaries of the officials employed at the markets; in addition, the city should pay the bank \$750 each quarter for the salaries of the bank clerks employed in keeping the city accounts.

C.—Under the terms of the mortgage (p. 8; abstract, p. 4) the bank is allowed 3 per cent commission on all the city revenues which it collects. The bank has correctly computed and charged this commission in every quarter.

The commission examined the complicated and confused accounts of the collections of the meat tax (*consumo de ganado*), for which the city allowed the bank 2 per cent until June 30, 1890, and, as previously reported, finds it correct.

As a result of its examination, the commission is of the opinion that all the accounts rendered by the bank to the city are correct.

When the time came for the bank and the city to settle their accounts, relating to the first quarter of the year 1899, it is found that the receipts for that time were \$36,741.01 greater than the expense. The city, at the instance of the auditor, Señor Nodarse, thereupon requested the bank to pay over this balance. The bank refused on the ground that on December 31, 1898, the city was owing the bank a balance of \$111,341.50, Spanish gold, and that the bank had the right to retain all balances which subsequently accrued in favor of the city until this balance of December 31, 1898, was paid off. The city maintained that the decree of the military governor of the island of the date of March 21, 1899, which suspended the prosecution of all claims against municipalities until the method of their adjustment should be determined after the reorganization of such corporations, included this last-named balance, and that the bank must settle each quarter separately until that decree was so changed as to permit the settlement of the old municipal debts. After some controversy on these lines, the bank finally yielded its position and returned to the city the balance due on the first quarter of the year 1899, and since that time the accounts for each quarter have been settled without reference to the balance due December 31, 1898.

3.—*The second-mortgage bonds of 1889—The terms of the mortgage.*

There are no printed copies of this second mortgage; but a typewritten abstract of it in English is submitted herewith and marked "Appendix H."

The mortgage is dated May 26, 1890, and is executed by the mayor, Señor Pequeño, and Señor Canales, the assistant city attorney, on behalf of the city of Habana, and by Señor Argüelles, of the firm of R. Argüelles & Co., for himself and other holders of city bonds to the value of \$202,330.80. A brief résumé of it by sections is as follows:

The mayor states—

1. Some of the holders of the bonds of the city of the issue of 1880, and other creditors, agreed to cancel such indebtedness by accepting bonds of this second mortgage at par to the amount of 70 per cent of their claims.

2-6. A committee of the ayuntamiento approved of this, and after deliberation the latter accepted the offer of such creditors.

7. On September 19, 1889, the ayuntamiento was authorized by the council of administration to issue \$3,000,000 of bonds on the above terms.

8-10. The ayuntamiento voted to publish the conditions of the loan as approved by the governor-general on September 19, 1889, and also a notice to bondholders of the issue of 1880 to deposit their bonds within ninety days of such publication and to receive negotiable certificates exchangeable for second-mortgage bonds when the latter shall be ready, and also a notice to other creditors of the city who desired payment in this way to present their claims, and the last would receive certificates or bonds when their claims were audited. These notices were published in the Gazette of December 22, 1889.

11. Since the creditors representing over half of the second mortgage had presented their claims on these terms, the following basis was agreed on:

I. The ayuntamiento shall issue second-mortgage coupon bonds to the amount of \$3,000,000 at 6 per cent interest, payable quarterly, in January, April, July, and October, redeemable in fifty years by quarterly drawings, and similar in form to the \$6,500,000 bonds, but of different color and with different vignettes.

II. Coupons and redeemed bonds payable in Madrid, London, Paris, and New York, 1 peso for 1 dollar, 5 pesos for 1 pound, 1 peso for 5 francs, without discount for exchange.

III. The object of this second mortgage is to redeem the bonds of November 1, 1880, now in circulation, together with their coupons due on or before June 30, 1889, and unpaid, and also other debts which the ayuntamiento owes, such redemption being optional on the part of the creditors. The bonds of the second mortgage shall be rated at par and shall be delivered for the purposes mentioned above to the creditors who agree to accept them in payment of the amounts due them, less a reduction of 30 per cent, and to all others who shall accept this proposition.

IV. This loan is secured by a second mortgage on the Vento, or Albear, Canal; Aqueduct of Ferdinand VII; Cristina, Colon, and Tacon markets and their revenues; certain revenues of the slaughterhouses; and if these are not sufficient, the additional city tax on the special state tax.

V. The ayuntamiento will accept the second-mortgage bonds for all classes of securities.

VI. These bonds shall be dated July 1, 1889, and bear interest from that date. If the bonds are not ready when application is made for them according to the above terms, they shall, nevertheless, bear interest from that date.

VII. The ayuntamiento will carry out the redemption in the manner determined in the plan drawn, but it reserves the right to redeem larger quantities than those set out either by lot or by direct purchase.

VIII. The drawings for redemption shall be public at least a month before the end of each quarter and the results published in all the cities mentioned. The redeemed bonds must be presented for payment bearing all coupons due after the date set for payment, and shall not bear interest after that date even if not then presented.

IX. The mortgage guaranteeing these bonds shall be canceled when the municipal officers certify that all the bonds have been redeemed and that sufficient money has been deposited to cover such bonds as have not been presented for payment.

X. These conditions shall be set out in a written agreement, and all the expenses of this loan shall be paid by the city.

12. The mayor, on behalf of the ayuntamiento, binds the city to the terms of the preceding section.

13. To secure this mortgage the ayuntamiento gives a mortgage on the following properties: Canal de Albear, for \$2,307,690 and interest thereon; Aqueduct of Ferdinand VII, for \$69,230 and interest thereon; Cristina Market, for \$46,154 and interest thereon; Tacon Market, for \$438,461 and interest thereon; Colon Market, for \$133,465 and interest thereon. Total, \$3,000,000, including water rents and rents of above properties.

This mortgage also covers the revenues of the slaughterhouses.

If this property does not suffice to meet these obligations the ayuntamiento also pledges the revenues of the surtax or additional city tax on the state tax.

14. Description of property mortgaged with resumé of contracts affecting the markets and list of incumbrances of record in the registrar's office.

15. Subordinates this mortgage to that to the Spanish Bank.

16. Same as section 11, Paragraph IX, above.

17. R. Argüelles accepts this agreement for himself and those whom he represents.

18. All notices given and judicial proceeding had under this agreement shall be in the city of Habana. Reservation as to last annual tax.

Notary's certificate of execution.

Certificate of registration in Habana and Bejucal.

This mortgage is inartistically drawn, and to understand fully the scheme of the loan we must take up the methods used to issue the bonds and the agreement of the city with the Bank of Commerce.

THE FORM OF THE BOND.

A copy of a bond is hereto annexed and marked "Appendix I." On the back of the bond is also engraved the plan of redemption, which provides for the redemption of 50 bonds in the last two quarters of 1889, 100 in each year of the years 1890 and 1891, 120 in each of the years 1892 and 1893, 130 in 1894, 140 in each of the years

1895 and 1896, 160 in each of the years 1897 and 1898, 170 in 1899, 180 in 1900, 200 in each of the years 1901 and 1902, and so on until the redemption of 470 bonds in the second quarter of 1939 completes the payment of this series.

THE CONTRACT WITH THE BANK OF COMMERCE.

On October 17, 1891, the city made an agreement with the Bank of Commerce, with the approval of the governor-general, given under the date of January 15, 1891. Under this contract the bank is given the duty of paying the coupons and redeemed bonds, for which the city agrees to pay the expenses of placing funds in foreign cities in order to meet the obligations domiciled there, and also 4 per cent commission on the total amount paid out by the bank; the latter is to pay all other expenses. The bank agrees to render an account every quarter, and will begin its duties as soon as the bonds are issued in exchange for the provisional certificates. (See explanation below.) The procedure for changing the domicile of the bonds is set out. In brief, the holder must get the consent of the city to change the domicile to a foreign city, and the city of Habana must at once notify the bank; in changing the domicile from one foreign city to another or to Habana the holder must notify the bank's local agent, who informs the bank, which informs the city. No change may be made in the third month of any quarter unless the holder agrees that the next coupon to fall due shall be paid in the old domicile. All changes of domicile shall be stamped on the back of the bonds. The city must promptly inform the bank of all bonds drawn for redemption or issued. The bank must make requisitions of the amounts needed each quarter and receive the cash at once. During the last month of each quarter the bank shall publish in the newspapers of each city where bonds are domiciled a notice that the interest and redeemed bonds will be paid on the 1st of the following month. All coupons paid or surrendered with redeemed bonds shall be canceled. All judicial proceedings shall be taken in Habana. (A copy of this agreement in Spanish is hereto annexed, marked "Appendix J.")

THE ISSUE OF BONDS.

All these bonds were issued directly from the city auditor's office. The former auditor, Señor de la Moneda, in a written and sworn statement has explained the method of issuing them, of which he personally had charge. It is as follows: All the creditors of the city who wished to take advantage of this loan and to receive bonds in payment of what the city owed them presented their claims, together with the evidence in support of them. These claims were the subject of an investigation, the papers were made into an expediente, and the issuance of the bonds in payment of such claims was duly authorized.

On July 1, 1889, when the bonds were to begin bearing interest, they had not been engraved and printed. The city therefore issued provisional certificates (*resguardos*), which stated that the bearer was entitled to a certain number of bonds, bearing definite numbers, and that that certificate was exchangeable for the same as soon as the bonds themselves were ready for issue. It will be remembered that these bonds were for \$100 each. When there was a balance of less than \$100, after issuing the *resguardos*, the city issued provisional receipts (*residuos*), payable to the bearer, for such fractional amount, which receipts, when they amounted to the sum of \$100, were exchangeable for the *resguardos* and afterwards for the bonds as soon as the latter were ready for issue. In every case one of these provisional certificates was issued, according to Mr. de la Moneda's statement, even after the city was in possession of the bonds themselves.

The commission then proceeded to determine the number of bonds issued, in the following manner: These *resguardos* themselves bear the signature of the mayor, the auditor, and the secretary of the city; they were found among the city's archives, and they were accepted by the commission as final. There were 1,069 of these issued, of which 12 were canceled and 100 were missing. These missing *resguardos* represent 2,160 bonds. The commission was able to find only three expedientes which related to the issue of the *resguardos*, and only one of these related to any of the *resguardos* which were missing, viz, expediente No. 5056 related to *resguardo* 1014, which called for 55 bonds and fully authorized their issue. In the early part of the issuance of the *resguardos* the stub was signed by the city auditor. This the commission accepted as a final statement of the issuance of the bonds, and in this way 4 more *resguardos* were accounted for, amounting to 36 bonds. This leaves only 2,069 bonds out of an issue of 30,000, for whose issue the commission can not account in the manner above stated.

The commission then found that there were 92 documents containing lists of the

fractional receipts which were stated to have been surrendered in exchange for provisional certificates. These lists were compared with the stubs of the resguardos and were found to correspond. They represent 85 of these 2,069 bonds for which the resguardos are missing. But an examination of these lists themselves shows that these fractional receipts were duplicated in them to the extent that they represent \$2,225.19 more than was represented by the receipts themselves thus stated to have been surrendered. It is therefore impossible to accept these lists as final vouchers for the issuance of all of the 85 bonds covered by them. The commission also found that the stubs of the provisional certificates did not show that bonds Nos. 2774 and 2747 had ever been issued, but was informed by Mr. de la Moneda that this is due to a clerical error. This is as near as the commission can approach to making a definite official report on the number of these bonds properly issued, from the documents now on file in the city offices. But in view of the fact that in this manner it has accounted for all but about one-fifteenth of the whole issue, and has found the accounts correct except as to the \$2,225.19 above mentioned, the presumption is strong that the bonds were properly issued, and, in any event, the commission is of the opinion that they are valid outstanding indebtedness of the city under the law of negotiable instruments.

From information furnished to the commission by Mr. de la Moneda, and from the fact that certain bonds do not appear to have ever been issued, from any of the documents which the commission has examined, it seems clear that 405 of the bonds were never issued. Three hundred and fifty of these (Nos. 27601 to 27750, 28001 to 3200) were canceled by a resolution of the ayuntamiento declaring them void because they had been improperly taken from the city offices by Señor Pablo González Palacio, a city treasurer who defaulted in November, 1892. Fifty more bonds were never issued because they were drawn for redemption before they were either issued or assigned to any person in payment of his claim (Nos. 26441 to 26450, 28951 to 28960, 29151 to 29160, 29551 to 29560, 29691 to 29700). Some other bonds which were drawn before being actually issued were, however, treated as if they had been issued before the date of their redemption because they had been assigned to some claimants whose debt had been already acknowledged by the city. These, of course, are not included among the 50 just mentioned. The remaining 5 bonds which go to make up this number of 405 are now on deposit in the insular hacienda in the name of Eduardo Iturrioz, a former treasurer of the city, and are the balance remaining of 35 deposited by him in his official capacity on the city's account on April 21, 1893, as security for the city in some litigation which it began against the officials of the island treasury to prevent their collecting a tax from the city for carrying on a business of supplying its inhabitants with water. This litigation has since ceased, and 30 of these bonds were withdrawn on February 22, 1897. These 5 bonds thus remaining in the treasury are numbered 29781 to 29785, inclusive. The commission is unable to find any explanation why these 5 bonds were not returned at the same time as the other 30, and respectfully submits that the city authorities should take the necessary steps to have these 5 returned to be used by the city in such way as may seem best. The commission is therefore of the opinion that there have been 29,595 of these bonds legally issued since July 1, 1889, and that such of this number as have not since been redeemed are outstanding debts of the city.

From this last amount it is a simple matter to deduct successively the bonds redeemed quarterly, and thus establish the maximum number of bonds in circulation and of the coupons payable in each quarter during the continuance of the loan. With this as a guide the commission proceeded to examine the payments made by the city for interest. Such examination was not simple.

Until the bonds were printed and issued the interest and the redeemed bonds were paid to the holder of each resguardo, and such payment of interest was usually evidenced by stamping the date and number of coupon paid on the back of the resguardo itself. The payment of redeemed bonds depended upon the surrender of the resguardo. But this formality of using a stamp, like most of those used at the commencement of this loan, was followed for a short time only, and the commission turned to the city's account books. The entries in these are lacking in the necessary details, and as the city paid all the interest charges for the first nine quarters of the loan directly from its own treasury the commission deemed it necessary to inspect these payments.

THE ACCOUNTS WITH THE BANK OF COMMERCE.

With the tenth coupon due January 1, 1892, the duties of the Bank of Commerce in reference to this loan began. Under their contract with the city they were to pay all the coupons as they came due, all the redeemed bonds, and the exchange expenses incident to paying the coupons and redeemed bonds domiciled in foreign cities. For

this they received a 4 per cent commission on the face value in Spanish gold of the coupons and bonds paid. The Bank of Commerce does not have the power under its contract to collect any city revenues directly, such as the Bank of Spain has under the city's first mortgage, but it receives moneys from time to time from the city treasury, and pays the coupons and bonds due as they are presented by the holders. It therefore was not necessary to devote as much study to its accounts as was given to those of the Bank of Spain, as the commission only had to see what amounts the city paid it from time to time and how these were accounted for.

For the purpose of examining these accounts it is necessary to bear in mind that they cover four items of payment—A, the coupons as they came due; B, the bonds redeemed; C, the expenses of paying bonds and coupons domiciled in foreign cities; D, the bank's commissions.

A.—The payment of coupons.

The maximum number of coupons payable in each quarter, the amount actually paid, with the number which may be outstanding and unpaid, is shown by Appendix K, annexed, which is the key to the whole coupon account. This appendix is compiled from the number of bonds which the commission believes was issued, less the number redeemed in each quarter, which gives the maximum number in circulation in each quarter. The number of each coupon "paid" is that paid by the bank as stated in the accounts rendered by it to the city and approved by the city auditor over his signature, with the exception that no such approval was given to the payments made on coupons 32 to 37, inclusive, because during that time the bank had obtained a receiver of the city property and rendered no accounts to the city which the latter's officials approved. This is also true of certain other coupons, bearing numbers 17 to 30, inclusive, which were past due, but presented for payment during the receivership, as follows:

Coupon No. 17	5	Coupon No. 24	62
Coupon No. 18	5	Coupon No. 25	72
Coupon No. 19	5	Coupon No. 26	41
Coupon No. 20	21	Coupon No. 27	45
Coupon No. 21	30	Coupon No. 28	45
Coupon No. 22	30	Coupon No. 29	211
Coupon No. 23	30	Coupon No. 30	54

These amounts are included as "paid" in appendix because the bank holds receipts for them signed by the bondholders and has paid them. These receipts have been examined under the direction of the commission and found correct. The balance shown in each case is the maximum number of coupons of each quarter which may remain unpaid in the hands of the holders.

It is convenient to consider this account in three periods—

First. Coupons 10 to 31, inclusive.

Second. Coupons 32 to 37, inclusive.

Third. Coupons 38 to 42, inclusive.

The first and third periods represent the usual condition of affairs, while the second covers the period of receivership, except those overdue coupons paid during that time, as above stated.

THE FIRST PERIOD.

It will be seen from Appendix K that the number of possible outstanding unpaid coupons fell with coupon 15, and remained at a comparatively small amount until coupon 24, when it became very large, and that the number paid exceeded the maximum in circulation in the twenty-fifth quarter. This latter is due undoubtedly to a clerical error in classifying the coupons by numbers. This error would account for part of the unusually large balance unpaid of No. 24. The great increase in the possible outstanding number of coupons Nos. 29, 30, and 31 is due to the fact that during this time (July 1, 1896, to March 31, 1897) the city became more and more unable to meet its obligations and that the expenses for exchange on bonds and coupons domiciled abroad became greater.

THE SECOND PERIOD.

During this time (April 1, 1897, to December 31, 1898), the bank received only such funds as the receiver turned over to it. The accounts on its books during this period are as follows:

RECEIVED.

	Spanish gold.	Spanish silver.	Billetes.
Received.....	62,607.06	41,967.86	66,224.20
Gold bought with silver and billetes.....	57,453.06		
Total.....	120,060.12	41,967.86	66,224.20

PAID.

Commissions on exchange of money.....		102.50	157.80
Stamp.....	5.75	8.44	
Attorneys' fees.....	2,071.72		
Coupons 17-35.....	90,166.50		
Foreign exchange.....	2,826.65		
8 per cent commission.....	9,604.80		
Paid city.....	5,829.70	3.27	2,915.00
Total.....	110,505.12	114.21	3,072.80
Silver and bills sold.....		41,230.00	63,151.40
Total.....	110,505.12	41,344.21	66,224.20

SUMMARY.

Gross receipts.....	120,060.12	41,967.86	66,224.20
Gross payments.....	110,505.12	41,344.21	66,224.20
Balance April 26, 1899.....	9,555.00	623.65	

The commission had no means of checking the cash received, but the bank has receipts from the bondholders for the \$90,166.50 paid for coupons, and has receipts for the \$2,071.72 paid the attorneys, which were verified and found correct under the direction of the commission.

The commission respectfully recommends that the attention of the city be called to this account, and that its correctness in every detail be examined, a balance agreed on between it and the bank, and some disposition be made of such balance, rather than leave it idle in the bank's safe. It is suggested that when such balance is definitely settled, it should be applied to some of the old debts of the city to the bank, which will appear later in this report.

One of these old debts is for \$2,766, which the bank paid for 1,844 coupons, No. 31, on the city's promise to immediately send the funds to pay them, which it never did. The bank holds the bondholder's receipts for these coupons, which were examined and found correct under the direction of the commission, and it claims to have the coupons itself, to which claim the commission gives full credence. These 1,844 coupons, No. 31, are included in Appendix K.

These coupons and the 60,111 which represent the \$90,166.50 paid by it during this receivership are in the possession of the bank, the latter as vouchers against the amounts the receiver has paid it. These latter should be burned in the presence of a representative of the city, and a notarial "acta" be made of them by number and the numbers of the bonds to which they were formerly attached, thus definitively determining their value for all time. The same procedure should be followed with the hundreds of thousands of bonds and coupons which the city pays every year. The former (1,844) coupons must of course be retained by the bank until they are reimbursed the money paid for them.

THIRD PERIOD.

With the beginning of the present city government (January 1, 1899), the old method of paying the bank regularly and receiving accounts from it was renewed. The form followed was that the city sent the bank a statement of the bonds in circulation at the end of each quarter and of those drawn for redemption. The bank then wrote asking for the funds necessary to pay the interest and redeemed bonds, which was sent and its receipt acknowledged by the bank, which in a short time sent a statement of the amount actually paid by it, of the expense of sending funds to meet bonds and coupons domiciled abroad, with a detailed list of them, and a statement of the commissions due the bank. These statements were examined by the city auditor, reported by him to the mayor, and after the latter's approval the bank returned the

balance of cash in its hands after deducting the paid bonds and coupons from the cash received, and the city then paid the bank's commission and its exchange expenses. The amount thus returned by the bank was kept in a separate "deposit" fund, and used only to pay more bonds and coupons as fast as the bank presented them to the city, and to pay the additional expenses of exchange and commission incurred from time to time. The commission heartily commends this arrangement, and takes pleasure in reporting that these accounts are correct.

A reference to Appendix K shows that practically all the coupons, Nos. 38, 39, and 40 (due January 1, April 1, and July 1, 1899), have been paid. It is hardly time to expect that all of coupons Nos. 41 and 42 (due October 1, 1899 and January 1, 1900), should have been turned in. In the meantime the bank does not have any city funds in its possession, unaccounted for, more than a month at any one time. The examination of all the accounts with the bank ceased with March 31, 1900, unless otherwise stated, since the operations referring to the forty-third quarter and coupon (falling due April 1, 1900) have not sufficiently progressed to admit a determination of any value.

B.—The account of the redeemed bonds.

During the period included in the first nine quarters of the loan the redeemed bonds were paid by the city directly. The commission does not present any account of the payment of the 200 bonds redeemed during this time for the reasons given above for not presenting an account of the coupons during the same period.

FIRST PERIOD.

During the time covered by the tenth to the thirty-first quarters of the loan, inclusive (January 1, 1892, to March 3, 1897), the bank paid such of the bonds as were drawn for redemption and were presented for payment. There still remain the following, which have been drawn for redemption, but have not been paid:

Quarter.	Nos. of bonds.	Value.
Thirty-first.....	21301-8	\$800
Total number of bonds.....	8	800

SECOND PERIOD.

During the thirty-second to thirty-seventh quarters of the loan, inclusive (April 1, 1897, to December 31, 1898), none of the redeemed bonds were paid. The following have therefore been drawn, but not paid:

Quarter.	Nos. of bonds.	Value.
Thirty-second.....	3661-70 7291-300 12231-40 22341-50	\$4,000
Thirty-third.....	2701-10 6681-40 11531-40 11871-80	
Thirty-fourth.....	6561-70 6621-30 7851-60 11861-70	
Thirty-fifth.....	231-40 1251-60 4921-90 9091-100	
Thirty-sixth.....	401-10 2601-10 2221-30 7121-30	4,000
Thirty-seventh.....	5761-70 10321-30 18421-30 29721-30	
Total number of bonds.....	240	24,000

THIRD PERIOD.

The bonds drawn for redemption, but unpaid from the beginning of this period (January 1, 1899) to the date at which the commission ceased its examination (March 31, 1900), are as follows:

Quarter.	Nos. of bonds.	Value.
Thirty-eighth	19971	\$100
Thirty-ninth	13427-30	400
Fortieth	20601-10	1,000
Forty-first	18461-70	1,000
Forty-second	2161-70	
	26191-200	2,000
Total number of bonds	45	4,500

C.—*The exchange account.*

All the accounts of the bank for exchange on money sent to pay principal and interest of bonds domiciled abroad have been approved by the city auditor, except during the period of the receivership. Since the change of domicile of these bonds must be registered in the city's offices, the commission accepts such accounts as have been approved as final, leaving the settlement of the \$2,826.65 paid during the receivership to be determined when the receiver's accounts are judicially audited.

D.—*The commission account.*

The bank is entitled to a commission of 4 per cent on all the amounts it pays for coupons and redeemed bonds. The amount of these commissions has been stated in all the accounts it rendered to the city and its correctness admitted by the city auditor. During the third period (January 1, 1899, to March 31, 1900) these commissions have been paid in full. During the second period, or receivership, the bank has charged up 3 per cent commission as paid to the receiver. This amounts to \$9,604.80, as above stated, which is 3 per cent of the amount stated to have been collected by the receiver. The commission does not pass upon the correctness of this charge, but leaves it to be determined upon the judicial settlement of the receiver's accounts. The bank did not charge any 4 per cent commission during this period.

During the first period of this account (January 1, 1892, to March 31, 1897) the bank's commissions were stated in its accounts and allowed by the city auditor, but the commissions for the quarters 17 to 27, both inclusive, were not paid when due. A partial payment was made in September, 1898. This account is as follows:

Due to Bank of Commerce.

Quarter.	Amount.
Seventeenth	\$1,854.98
Eighteenth	1,949.44
Nineteenth	1,780.66
Twentieth	1,900.54
Twenty-first	1,979.98
Twenty-second	1,986.12
Twenty-third	1,682.84
Twenty-fourth	2,120.84
Twenty-fifth	1,867.82
Twenty-sixth	1,937.17
Twenty-seventh	1,843.00
Paid bank September, 1898	20,902.77
	5,588.08
Due March 31, 1900	15,317.69

The last statement made by the bank and approved by the city auditor shows that the bank owes the city a balance of \$2.68.

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SUMMARY.

From the above review of the accounts of the Bank of Commerce with the city and the history of this loan, the following résumé can be made:

Statement of the accounts between the Bank of Commerce and the city of Habana.

Due the bank:	Spanish gold.
Unpaid balance in commission account	\$15,317.69
Advanced by bank in paying 1844 coupons of No. 31.....	2,766.00
Total	18,083.69
Due the city:	
Balance on last bank statement, \$2.68; balance on receiver's account, \$9,555 Spanish gold and \$623.55 Spanish silver, say, in gold \$10,074.63	10,077.31
Balance due bank	8,006.38

As above stated, the commission can not definitely fix the number of bonds of this mortgage in circulation, because it can not absolutely state the number issued because of the defective city records, but can only state the maximum number that can be in circulation at any time. It is therefore also impossible to fix the amount which the city owes the bondholders for redeemed bonds and overdue coupons which are unpaid, but can only state the maximum amount of such indebtedness.

This maximum amount is as follows:

143,902 coupons, at \$1.50	\$215,853.00
293 bonds, at \$100.....	29,300.00
Total	245,153.00

The number of bonds of this issue in circulation on March 31, 1900, was 28,255, representing a debt of the city of \$2,825,500. These bonds were domiciled as follows:

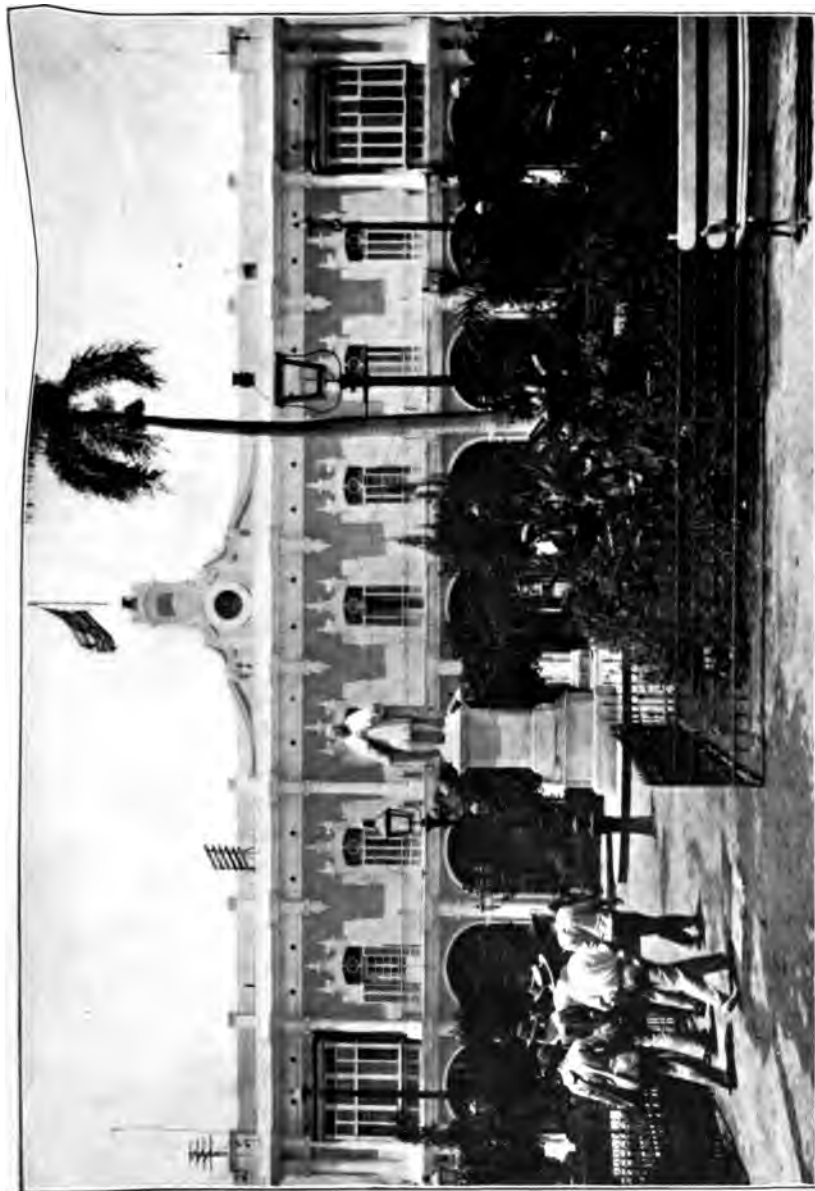
Habana.....	6,256
Madrid	63
Paris	847
New York	21,089
Total	28,255

THE FLOATING DEBT.

The city's floating indebtedness on March 31, 1900, amounted approximately to \$2,925,241.82. The items of this floating indebtedness are approximately as follows:

Salaries of employees.....	\$388,259.91
Special services, labor, etc.....	678,217.55
Supplies	230,205.77
Material	1,158,217.40
Public works.....	2,568.59
Interest and redemption of bonds (estimated maximum).....	448,012.66
Notes falling due before January 1, 1899.....	12,160.00
Other outstanding notes.....	7,599.94
Total	2,925,241.82
Add to this the bonded debt outstanding but not yet due it:	
\$7,000,000 mortgage.....	6,669,000.00
\$3,000,000 mortgage.....	2,825,500.00
Grand total.....	12,419,741.82

The above item entitled "Interest and redemption of bonds" is made up of the estimated number of bonds and coupons outstanding of the issue of 1880, the debt to the Spanish Bank and to the Bank of Commerce, the estimated number of the bonds and coupons of the \$3,000,000 loan outstanding, and also the estimated commission and exchange which will have to be paid to the Bank of Commerce for the payment of these last-named bonds and coupons. The total, \$448,012.66, is considered to be the maximum possible for this class of indebtedness. The manner in which this total has been reached has been previously treated in detail in this report.



PLAZA DE ARMAS. BEFORE IMPROVEMENT. JULY 1, 1899.



PLAZA DE ARMAS. IMPROVEMENT IN PROGRESS. JANUARY 1, 1900.



PLAZA DE ARMAS. IMPROVED NEW BEDS AND WALKS. APRIL 1, 1900.



PLAZA DE ARMAS. BED OF CACTUS. APRIL 1, 1900.



ISABEL LA CATOLICA. PROMENADE, LOOKING NORTH. APRIL 1, 1900.



ISABEL LA CATOLICA. PROMENADE, LOOKING SOUTH. APRIL 1, 1900.

The exact amounts can not be given without a long and detailed examination, which the commission has not been able to make. The investigation of the separate items of this debt and the taking of proof where that was deemed necessary were, under your instructions to the commission, included in its duties, but the difficulty of the other duties intrusted to us, and the requirements of the personal occupations of the members of the commission, have made it impossible for us up to the date of this report to undertake this investigation.

The labor of such an investigation will be considerable and will require several months. In our opinion a special commission should be appointed, to consist of not more than three members, who should have the powers and duties of a court of claims to examine all this indebtedness, and such other claims as may be presented to the city.

The period of limitation should be fixed, and all persons having claims against the city should be required to present them within a reasonable fixed time. The decisions of such a board might be reviewable on appeal by the supreme court or they might be final, in the discretion of the military governor.

We believe that such a commission should be appointed as soon as possible, in order that its labors may be completed and the results communicated to the city authorities, by whom they will be needed in the negotiation of any future loan by the city.

CONCLUSION.

The commission desires to place again on record its appreciation of the valuable service to the city of Capt. Osgood Smith, who after the date of our last report continued for some months to give all his time to the work of this commission, until he was named by you upon independent commissions. The work of this commission has often required long and laborious examinations of accounts and papers, many of which, although necessary to be examined for the purposes of the commission, did not furnish results which could be incorporated into a report. To these labors Capt. Smith brought not only patience, painstaking, and accuracy, but ability, good judgment, and untiring energy. He had charge, under direction of the commission, of the examination of all the details of the mortgage transactions and accounts; and Part II of this report is based upon material collected by him.

In concluding their labors and making their final report, the commission wished to express to you their appreciation of your unfailing courtesy to them officially and of your earnest and arduous work for the benefit of the city of Habana. It is a gratification to us if our work has contributed in some measure to the success of yours; and as this city increases in prosperity and grows in influence among the cities of the world, it will constantly be a pleasure to us to remember your part in building up its influence and prosperity.

Respectfully, yours,

ERNEST LEE CONANT.
LEOPOLDO CANCIO.
J. N. CASANOVA.
ORENCIO NODARSE.

APPENDICES TO THE FINAL REPORT OF THE HABANA FINANCE COMMISSION, APRIL 1, 1900.

APPENDIX A.

List of reports presented by the Habana finance commission to Gen. William Ludlow, military governor of Habana.

Report on taxation of the city of Habana, dated March 25, 1899, with the following appendices:

- "A."—Report of inspection of houses for water frauds, dated February 22, 1899, with the following appendices:
 - A-2."—Report of preliminary investigation, dated February 16, 1899.
 - B-2."—Report of expert accountants to the commission on subject of collection of city revenues by Spanish Bank, with suggested rules to govern the water service of the city of Habana, dated February 24, 1899.
 - C-2."—Proposition submitted by Mr. Galbis, president of the Spanish Bank, to ayuntamiento, for the better regulation of the water department.

Appendix B.—Report of the commission on water rents and water system of the city of Habana, dated March 2, 1899.

Appendix C.—Report of Mr. Leopoldo Cancio to the commission as to the legality of the redeemed water rates, dated February 21, 1899.

- Appendix D.—Commission's report on Vedado water contract, dated March 21, 1899, with subappendixes:
 "D-2."—History of the contract, dated March 11, 1899.
 "D-3."—Report of Mr. Leopoldo Cancio to commission as to the legality of the contract, dated March 20, 1899.
- Appendix E.—Investigation of the revenues received by the Spanish Bank, February 11, 1899.
- Appendix F.—Report of expert accountants to commission on the subject of the collection of rentals from the Tacon market by the Spanish Bank, dated March 9, 1899.
- Appendix G.—Report to the commission on the subject of "Fincas Urbanas and Fincas Rústicas," dated March 10, 1899.
- Appendix H.—Translation of the rules and schedules of rates for the assessment, administration, and collection of the industrial taxes.
- Appendix I.—Report on the general system of taxation of the city of Habana—investigation of city collector's office, dated February 2, 1899.
- Appendix J.—Report of the investigation of the office of Señor Oteró, tax collector, dated February 3, 1899.
- Appendix K.—Report of commission recommending dog tax, dated March 8, 1899.
- Appendix L.—Recommendation by commission of goat tax, dated March 10, 1899.
- Appendix M.—Commission's report on "Registro de Propiedad" (registrar's office), dated March 10, 1899.
- Appendix N.—Commission's recommendation of abolition of the "Zona Polemica" within the limits of the city of Habana, dated April 1, 1899.
- Appendix O.—Commission's recommendation that the President's proclamation of December 28, 1899, be applied to the payment of public dues and taxes in the city of Habana, dated March 10, 1899.
- Appendix P.—Forms of water department submitted by expert accountants of commission, dated March 6, 1899; also tabulated statement of moneys expended and collected by the city council of Habana from July 1, 1889, to January 1, 1899.
- Report of Mr. Leopoldo Cancio recommending the suspension of legal proceedings against the city of Habana, dated January 27, 1899.
- Commission's report on city prison with appendix of Capt. Osgood Smith's investigation of same, dated April 5, 1899.
- Report of Capt. Osgood Smith on Habana slaughtering house, dated May 8, 1899.
- Report of commission containing further particulars of water inspection, dated February 23, 1899.
- Commission's report on the O'Reilly concession, dated May 10, 1899, with the following appendixes:
 "A" and "B."—Reports of Mr. Cancio to the commission on the above concession, dated, respectively, March 29 and May 5, 1899.
 "C."—Brief of Señor Duplessis, attorney for concessionaries.
 "D."—Copy of contract of Señor Canossa, lessee of the concession.
 "E."—Minutes of the commission of April 7, 1899.
 "F" and "G."—Resolutions of the ayuntamiento, March 6 and 10, 1899.
 "H."—Action taken by the ayuntamiento regarding the O'Reilly concession, May 5, 1899.
- Report of the commission on the butchers' monopoly at the slaughterhouse, dated May 15, 1899.
- Report of bonded indebtedness of the city, dated May 13, 1899.
- Report of the commission on the \$7,000,000 mortgage of the city of Habana to the Spanish Bank, dated June 23, 1899.
- Supplementary report on the \$7,000,000 mortgage, dated August 8, 1899.
- Report of subcommittee, with recommendations by the commission, on municipal accounting and bookkeeping, dated October 7, 1899.

APPENDIX B.

Report of Orencio Nodarse, auditor of the city of Habana, and Capt. Osgood Smith concerning municipal accounting, with a letter of transmission of the Habana finance commission to Gen. William Ludlow, governor of Habana.

OFFICE OF HABANA FINANCE COMMISSION,
Mercaderes 4, Habana, Cuba, November 27, 1899.

To Gen. WILLIAM LUDLOW,
Governor of Habana.

SIR: The Habana finance commission beg to submit to you herewith the final corrected report of Mr. Orencio Nodarse and Capt. Osgood Smith upon a system of municipal accounts and bookkeeping for Habana.

The report upon this subject is called for in your instructions to the commission, dated January 14 last. You will remember that it was the original idea of the commission, after consultation with you, to have studies for a system of accounts made by an expert accountant and to have a recommendation by the commission based upon such expert examination. The later experience of the commission led them to believe that a better result would be obtained at much smaller expense to the city of Habana by sending to the North some competent persons already familiar with the details of the Habana city government and offices to examine the system of city accounts in use in cities there and report thereon to the commission, with their recommendations. With this purpose in view Mr. Nodarse, the auditor of the city of Habana, a member of the commission, and Capt. Osgood Smith, who has been assisting the commission in other important investigations, went North late in August, as a special committee, and made a careful examination of the systems of accounting and bookkeeping and general city administration in Washington and Providence and other examinations of certain departments in Buffalo and Philadelphia. The result of these inquiries is embodied in their report. This report has been carefully read and considered separately by each member of the commission and afterwards submitted to the commission at its session and discussed at length, and the commission now submits it with its hearty approval and with the recommendation that its proposed changes be adopted at once by the city in so far as they can be under the existing laws. The need for some of these changes in the city accounting is, we believe, most pressing, and we believe that the immediate adoption of many of them would be a material advantage to the city even under the present law.

The commission are very glad to reaffirm their former belief that this method of studying the municipal accounts and providing a new system for Habana was more advantageous to the city than to employ an expert accountant for that purpose, as at first proposed. The cost to the city of sending Mr. Nodarse and Captain Smith to the North has been less than one-fifth of the cost of having the work done as it was at first proposed under the smallest of the estimates submitted to us by expert accountants. The results of their work are as valuable to the city as the work of an expert accountant would have been, and in many respects more so, since the study of the question involved a close acquaintance with the legal aspects of city administration such as is seldom possessed by any expert accountants and a knowledge of the situation in Habana, which no accountants in the North possess. Indeed, the most difficult features of the work lay entirely outside of the scope of the ordinary expert accountant.

The commission wishes to express to you their hearty appreciation of the very able and intelligent labors of the two authors of the report herewith submitted, which has fulfilled the purposes of the commission in a most efficient and economical manner. The city has been fortunate in having for this work two gentlemen so well equipped by a familiarity with municipal affairs both in Cuba and the United States.

The investigation of the system of accounting necessarily included a study of municipal administration as a whole, and to this study both this special committee and the commission devoted itself, and Mr. Conant, of the commission, had many consultations in the North with the committee while it was compiling the results of its investigations. The commission is of opinion that the proper business administration of the city of Habana necessitates some important fundamental changes in its legal status, and that without such changes the city can never attain a satisfactory financial standing or the position among the important cities of the world to which it is entitled.

The city at present has no power to assess and impose taxation (except some unimportant "arbitrios," or license taxes), and for all its revenues is dependent upon one of the insular departments, which is naturally subject to political changes, or possibilities of changes, with which the city, as a city, is not concerned, and to the danger of which the city ought not to be exposed.

Certain fundamental ideas suggested by the special committee seem to the commission to be particularly important:

1. The assessment of all property subject to municipal taxation should be made by city officials.
2. The determination of the rate of both real estate taxes and all other municipal taxes should be the function of city officials.
3. The powers of the auditor should be enlarged so that he shall become a controller and have charge of all the financial affairs of the city.
4. There should be a sinking fund commission, with the ordinary duties of such commissions.
5. All taxes should be collected annually.

6. The city departments should be logically classified and their functions definitely determined.

7. A modern and improved system of accounting should be introduced, such as will readily show, at any time, all the details of city finances.

8. That the general municipal law should establish a limit to the amount of debt which may be incurred by the city, and to the rate of taxation; and within such limits the city should have entire financial autonomy.

The administration of the city business should be a matter entirely independent of sovereignty or of the changes of political parties which may from time to time vary the personnel and policy of the insular departments.

The real estate and property of the city is already, under its mortgages, practically all pledged to the present bondholders, and the city finds itself in the peculiar situation of needing large sums of money for essential improvements and having absolutely nothing which it can pledge to capitalists as security for the necessary loans. It has not, like modern cities generally, the power of taxation—a power upon which municipal bonds are based. Moreover, it seems very probable that the city will not be able to command in the future for its administration the best available talent and the services of its most efficient citizens as public servants unless the matters to be intrusted to their charge be made independent of outside control.

We believe also that the assessment of taxes and the determination of the tax rate should be made by officials whose time, attention, and energy are not claimed by similar duties with regard to other portions of the island; and by persons who owe no duties to anyone outside of the municipality itself. Only such persons can be held to a strict performance of their duties by the public and the taxpayers of the city of Habana; and we believe that it is only by giving to the citizens of Habana, through their city government, a complete control over all municipal affairs, including the determination of the amounts to be raised as well as the modes of expenditure, that a true self-government can be established in the city.

For the reasons above set forth we emphatically urge the necessity of securing for the city of Habana such a charter as shall guarantee to it financial autonomy. Such a charter would not exempt the city of Habana from the requirements of certain fundamental provisions of the municipal law existing for the rest of the island. It is to be assumed that any municipal law would contain certain fundamental propositions which would properly be applicable to all municipalities. It would probably limit the powers of cities to incur debts and impose taxes so that the city debt should not become burdensome nor the tax rate oppressive. But within these limits a city as large and important as Habana should be an autonomous municipal corporation, with the power to manage its internal affairs without any direct intervention on the part of the other authorities. The limitations upon it should be only such broad restrictions as are necessarily applicable to any subordinate municipal corporation.

Respectfully,

ERNEST L. CONANT.
LEOPOLDO CANCIO.
J. N. CASANOVA.
O. NODARSE.

NEW YORK, October 7, 1899.

TO THE HABANA FINANCE COMMISSION.

GENTLEMEN: The undersigned, who have been studying the system of municipal accounts used in the United States, have the honor to submit to you the following report:

We visited the cities of Washington, Philadelphia, Buffalo, and Providence, and made a careful detailed study of the entire municipal financial system used in Washington and Providence. In Philadelphia and Buffalo we examined certain features only.

The main divisions of every system of municipal finance in the United States are—

1. A board of assessors.
2. A collector.
3. A treasurer, who should also, in small cities, be the disbursing officer.
4. A controller.
5. A sinking-fund commission.

In general we can say that the collector is to be the only man who shall collect any money due the city, and all payments should be made at his office. The disbursing officer, whether he be treasurer also, or whether those offices be separated, is to be the only man who can pay out the city's cash, and the controller is to have general supervision over both offices. In addition to this the controller should have the power to regulate what books, and in what form the collector and treasurer and

disbursing officer should keep, and should have the right to examine them at any time personally or by deputy. In his office all the financial records of the city should center, and he should keep such a system of books, by double entry, as would show the situation of the city finances and all transactions affecting them in any way.

The payment of principal and interest of all bonds and notes of the city should be in charge of a sinking-fund commission, with authority to manage all funds or moneys to be used to pay the principal and interest of the city debt. All cash should be handled by the collector and treasurer only. The sinking-fund commission should be obliged to make regular reports of its actions and accounts to the controller, like all other financial departments, unless the controller is a member of it.

GENERAL CONSIDERATIONS.

As a result of our investigations we are emphatically of the opinion that there are certain general principles which should be applied to city management, regardless of what detailed forms may be used.

The present system in use in Habana requires the signatures of the mayor and of the auditor to numberless papers, and appoints members of the city council as inspectors of the various departments.

This throws a vast amount of clerical work upon the mayor and auditor. If they perform it conscientiously they have absolutely no time for anything else. If they sign perfunctorily, their signatures are valueless in fact, and take their attention from more important duties. The responsibility should be divided among the departments, and, under a strict accountability, all clerical duties should be performed there.

Under a complete system of accountability very little inspection of departments will be necessary. When it is made it should be made by trained men appointed for that purpose. They should be appointed by the controller for the inspection of financial matters and be held to the strictest accountability, which can not be done with a councilman.

No city official should be allowed to be interested, directly or indirectly, in any contract with the city under any circumstances whatever.

The work of the city should be divided into as few departments as possible, each with a single head, and where the duties of any department are multifarious it could be subdivided into bureaus, each with a single head, who should be responsible to the head of the department directly, the head of each department being responsible directly to the mayor and the city council for all the work of his department, and to the controller for all financial matters coming under his control. The head of each department should be authorized to appoint all the employees of his department, subject only to such regulations as to civil-service examination and bonds as may be adopted by the common council or the state and to the approval of the mayor. Under the limitations of such regulations the head of each department should have the right at any time to remove for cause any employee under him.

Every official in the controller's department, in the collector's department, in the treasurer's department, each member of the sinking-fund commission, every head of a department, and every employee of the city, who, under any circumstances, handles any cash or public funds, should be obliged to give a bond to the city, at his own expense, in such amount as may be determined by the common council, and which shall be proportionate to the financial responsibility involved. These bonds should be in a form approved by the city attorney, and the security should be furnished either by a deposit either of approved collateral or of cash in the city treasury, or by bonds of some responsible corporation. Individual bonds of the friends of the officeholder should not be accepted.

It seems very important that every officer should be paid by salary. While it may be urged that in the past the collection of taxes in Habana by officials who were paid by percentage has resulted in an increased revenue to the city, we believe it would be very much cheaper for the city to pay its officers a fair salary and put them under such a system of supervision and inspection that they will be held closely to a full responsibility not only for the cash actually received but for an energetic and thorough administration of their office, and that the income of the city will not be decreased by this change provided that such a complete system of supervision is adopted.

The work of the offices can be very materially facilitated by the use of rubber stamps for dates, numbers, and forms; the use of machines for copying, typewriters which will write in books, adding machines, and machines for making change. We have seen an adding machine in the auditor's office at Washington which cost \$400, and which, the auditor stated, saved the services of two clerks.

In submitting the following recommendations it must be borne in mind that it is not possible to devise any system which makes dishonesty impossible without making it so complex and cumbersome that the management of city business would involve enormous expense and would be unmanageable. The most feasible system is a double inspection, or a report from one officer of the responsibility of the others, so that there will be a countercheck upon everything. More than one check upon each official is considered impracticable.

We realize fully that some of the changes and recommendations made in this report will require action on the part of the supreme central authority of the island, which alone can change the existing laws. Whether such changes can be obtained it is not for us to judge, but while upon this subject we deem it advisable to cover the ground thoroughly, and when the municipal law is finally determined by the insular authorities we believe that it will be a comparatively simple matter to adapt the system proposed to the situation which shall be created, and we respectfully submit in this report such suggestions and such a system as we believe will bring the income of the city to a maximum and its expenses to a minimum, and insure a careful, honest, and businesslike administration of the city finances.

THE ANNUAL BUDGET.

The foundation of all systems of municipal finances is the annual budget. The method of preparing it should be this: When a thorough system of municipal accounts has been established the controller will be able to make a complete detailed report of all the actual expenses of every department during the preceding fiscal year. At present the auditor can not do that. He should therefore be furnished with a report of its expenses from the head of every department, which he can use in connection with the books of his office in order to prepare an estimate for the coming year. Under all circumstances the head of each department should send to the controller a detailed estimate of the expenses of his department for the following year. The controller should then take all these reports, arrange them into one report, with such comments as he deems best, and forward the same to the committee of the city council for action. The question of how far these estimates shall be allowed depends in the first place on a knowledge of how far the articles requested are necessary, and in the second place on a knowledge of what the income of the city will be and how much it can spend, and how best to divide its resources among its various necessities.

When the estimate for these necessities is reduced to a minimum, some city official, usually the controller, then furnishes a careful and conservative estimate of miscellaneous income, based upon the receipts of the preceding year, from all the miscellaneous taxes—for example, from licenses, special permits, assessments for work on sidewalks, curbing, sewers, and pavements generally, the amount of which estimated receipts is deducted from the total of the estimated expenses. The difference then shows the amount to be raised by direct taxation upon real and personal property, and the ratio between this amount and the total assessed valuation of such property gives the tax rate.

At present the assessment of the property from which the *fincas urbanas* and *fincas rusticas* taxes are collected is in the hands of the insular hacienda, and the governor-general has settled the tax rate. At present, therefore, there is absolutely no means of adapting the income of the city to its needs.

We can not urge too strongly the necessity of a change in the city real estate taxation. The assessments should be made by the city officials and the rate of taxation fixed by the city council. The rate of taxation should be limited so that it should not exceed a certain percentage of the valuation. We see no object in changing the valuation from the present system of assessing the rental value to the system in the United States of assessing the fee value, but unless the city is granted sufficient autonomy to enable it to adapt its taxes to its necessities it can never tell whether it will be able to pay its bills during the year or not, and it may be seriously crippled in many necessary improvements by its inability to raise \$100,000 more in one year than in the preceding year.

The previous discussion of the annual budget is in reference to the existing procedure in the city of Habana. In the large cities of the United States the work of preparing the budget, including the many appropriations of the various departments, is carried on by a special board constituted for that purpose, called the board of estimate and apportionment. This board consists usually of the mayor, the controller, and the city treasurer, to which are sent all the reports which we have suggested the controller should prepare and present to the common council. This board has the authority to reduce the amount requested for expenses in any year by the head

of any department, but not to increase it. This board then makes its own official report to the financial committee of the common council, and the common council is given authority to decrease any requisition, but not to increase it. In practice, however, the work of the board of estimate and apportionment is final, and the common council seldom or never changes the report which this board presents to it.

Such a board seems very advisable. Too much emphasis can not be laid upon the necessity of strictly dividing the administrative and legislative functions. The city council should be confined wholly to the legislative functions and to determining the policy of the city. The preparation of all details upon which such determination would be made, and the entire administration of a determined policy, should be left exclusively to the administrative branch of the government, and it seems that this function of determining the amount of appropriations necessary is more administrative than it is legislative. Furthermore, the city council should be kept as free as possible from detail work and entirely occupied with the board and general questions of municipal policy.

In pursuance of the plan of our report we wish to discuss next—

1. *The board of assessors.*

The chief source of municipal revenue in the United States is the taxes levied upon real estate and personal property, the latter of which does not exist in Cuba. Throughout the United States, we believe, and certainly in every city that we visited, there is a board of assessors who determine the value of the real property within the city limits and the value of the personal property of all the residents. They are city officials. This valuation is then reported to the city council and the rate of taxation is determined as above described.

In all municipal systems which contemplate a board of assessors some provision should be made for a board of equalization of assessments, to which the taxpayer may appeal when he considers himself assessed at too high a figure, and whose action should be final. If there is a board of assessors such a board of equalization could consist of all the assessors acting jointly, but in order to escape the danger of a mutual admiration society, it would seem better that such board of equalization be especially appointed and consist of persons who were not assessors.

In all the cities which we visited, and we believe in all the United States, the basis of the assessors' work is a carefully prepared map of the city, which shows the street boundaries and the boundaries of every parcel of land owned by the separate landholders. This map is prepared from an actual survey, and the map is divided into plats of land whose boundaries correspond with the streets, each plat bearing a separate number. They may contain one or more city squares, the better system being to have a separate plat for each square. These plats are numbered consecutively from 1 up. They are divided on the map into the number of lots which corresponds with the division of land by individual ownership. Each lot of land in each plat bears a number from 1 up. In Buffalo the assessors keep no record of the names of the owners, and therefore no record of transfers of real estate unless such transfers involve the subdivision of existing lots on the assessors' map, and the tax bills are made out against Lot No. X, Plat No. Y. This system is found to work perfectly satisfactorily there, as the tax is a lien upon real estate. When a transfer is made it must be registered in the surveyor's bureau of the assessors' office before being taken to the registry of deeds. This enables the assessors to have a record of every subdivision of an existing lot and to keep their map up to date. Assessments are usually made out against the property as it appears on the map, and a complete set of books is made out by plat and lot numbers showing the valuation of the property. In Washington the valuation of the land and of the improvements is separately made. The assessments, as a whole, are revised there every three years only, and no change is made in the assessed values in this time except when new improvements are added. The various properties of the city are then arranged in accordance with the names of the owners for the purpose of making out tax bills. This necessitates a constant watch of the registrar's office in order that changes of ownership of lots, as described on the assessors' map, may be recorded in their office. The only thing gained by this system for the city is that when the bills are made out the bill against one person will cover a number of lots, and a separate bill for each lot will not be necessary.

It is easily apparent that the creation of such a map is absolutely necessary in Cuba, and a copy of it should be in possession of the collector and the controller of the city in order to determine what property has paid taxes and what not, and to determine the amount of penalties of arrears due, and to enable such steps to be taken as may be necessary to collect taxes in arrears.

2. *The collector.*

The chief sources of the city's income are the *fincas urbanas* and *rusticas* taxes, the subsidio industrial, and the water rents. These are now payable quarterly.

This system of quarterly payments should be abandoned and they should be made annual. The finance commission has already discussed this question and it needs no amplification here. We can only add that our observation and study in the United States confirms us in our opinion that such a change is not only an economy to the city, but a greater convenience to the taxpayer.

These three classes of income should be made payable at different times in the year—for example, *fincas rusticas* and *urbanas* in September, the subsidio industrial in December, and the water rents in February. The annual license fee should then be paid in July. This division of the time of payment of these various bills will enable the payments to be made more easily and handled with a smaller force of regular clerks; will keep the city supplied with funds, and obviate the necessity of borrowing in anticipation of revenue, and will also benefit the taxpayer by dividing his payments and enabling him to pay his total municipal contribution in installments—the only reason why quarterly payments should be permitted. It further obviates the necessity of more than one collector, which saves expense to the city and concentrates responsibility in one man. It might be advisable to make certain of the subsidio industrial taxes and some licenses, such as peddlers', payable semi-annually on account of the varying character or uncertainty of business; but we are strongly of the opinion that all taxes should be paid annually in advance, if possible, and none at shorter intervals than semiannually.

In order to facilitate the collections, a discount at the rate of 6 per cent per annum should be allowed on *fincas urbanas* and *rusticas* for payment within the first two months after payments become due, and interest charged at the same rate for payments made during the following four months. After that a further penalty of 1 per cent a month should be added for three months, and then the property should be advertised for sale, to be sold in fifteen days. If the tax is paid after this date, and before the sale, the 1 per cent a month penalty should continue and a further sum of \$5 added to the bill to cover the advertising expenses. If the sale is held, the owner should be allowed to redeem within the period allowed by law (usually two years in the United States) on paying the purchaser the sum for which the sale was made, with 12 per cent per annum interest added. When the period for redemption is passed the purchaser should receive a tax deed and be put in possession. This tax deed should be prepared by the city attorney and be delivered to the purchaser by the controller.

This system can be applied to the subsidio industrial, with the modification that no discount should be allowed and the penalty should begin at the end of thirty days after the tax was due, and be increased to a flat 5 per cent. If this tax is not paid at the end of thirty days more, the business owing it should be closed by the police.

If the water rents are not paid in ten days, a notice should be sent to the owner or occupant of the premises, by this designation and not by name, and if the payment is not made in ten days more the water supply should be shut off.

In the other classes of income the use of penalties is not necessary, as the payments are made for privileges which can only be exercised by those who possess the evidence of previous payment.

The most effective system to enable the controller to keep check on the collector is to have every bill made out in the office of the department which has charge of the subject involved, and then forwarded to the collector. When a large number of bills are made out at the same time they should be accompanied by a detailed list of them on a blank form prepared for that purpose, and a copy of such list furnished to the controller. In any event, any department or bureau furnishing a bill should report it in detail to the controller on the same day. The controller will then charge the collector with all bills received by him, and credit him with the cash turned over by him to the treasurer each day. The collector must give the controller a detailed list of all bills paid each day, and will be furnished with duplicate receipts by the treasurer, one of which he retains and the other files with the controller. The controller thus has a complete history of each day's business, with vouchers, and can make the necessary entries on his books. No bill should be given out unless it is to be paid in full. If a bill is to be paid in part a partial receipt on a separate form should be given, and for this a book with numbered stubs should be used. The partial payment should also be indorsed on the back of the tax bill. If a person desires to know the amount of his tax without paying it, a memorandum containing that information can be given him. The system of payment should be

as follows: The taxpayer would go to the entry clerk's window, who would have before him a book prepared for the entry of the details of the bill; he should then enter the bill in his book and personally hand the bill to the cashier. The taxpayer would then move to the cashier's window, where he would make his payment, the cashier entering in his book only the amount received, without any other details. At the end of the day the entry clerk's total should agree with the cashier's memorandum and with the cash on hand. It is best to use a duplicate set of books for miscellaneous receipts and send the entry clerk's books each day to the controller's office while the other set of books is in use, and have the controller make his entries from these books. In times when there is a great rush of payments, several entry clerks would be used, and the cashier would have a clerk to make the memorandum of the bills and help him count money and make change.

In some cases the bill is handed to a third clerk outside of the cashier's department, who makes a further note of the amount and stamps the receipts as paid—or such stamp may be affixed before handing the bill to the cashier. As a matter of fact these entry clerks are generally employees of the collector, but one of them could be an employee of the controller's office, to which office the entry books would then belong. A daily report to the controller should be made by either sending him the most detailed entry book or by sending him a copy of it. If the entry clerk was a clerk of the controller's office, he could take the book with him at the close of the day, after comparing the entries with the cashier. In case the books are sent, in all cases this necessitates a duplicate set of books to be used on alternate days.

In the case of the *fincas urbanas* and *rusticas* and *subsidio industrial* and the water rates, the detailed list sent to the collector from the department preparing the bills should serve as the entry clerk's books, as they should contain blanks in which to enter the payment. These lists could not be in duplicate, but as the controller has an exact copy it would be easy for him to complete his records.

PERMITS.

There are certain payments made to the city by taxpayers who wish to obtain certain things from the city for which payments are made in advance. These include payments for certified copies of documents, usually obtained from the secretary's office, payments for sewer connections, and for the installation, reinstallation, and suppression of water. The simplest form of checking these is to have the controller furnish the officials who issue the certified copies and permits a book of forms, with stubs, numbered consecutively, which forms shall direct the collector to collect a certain amount from the person who desires the copy or permit. When such an application is made at the proper office, and it is to be granted, the applicant takes this certificate to the collector, pays the money, the collector signs the receipt at the bottom of the certificate, and the applicant delivers this receipt to the proper office and receives his permit or certified copy. No such permit or certified copy may be issued until the receipt is obtained and surrendered. The collector makes the proper entry on the books of his office, his receipt is forwarded to the controller's office at the close of the day by the office which issues the copy or permit, and the issuing office has its stub as its record. The issuing office should also keep a book in which it should keep a memorandum, giving the date of the issuance of any permit or certified copy, the name of the person to whom it is issued, the purpose for which it is issued, and the amount paid, with the number of the collector's receipt; the collector's receipt and the permit, where a permit is given, should bear the same number. (See Forms 1 and 2 annexed.)

LICENSES.

There are certain classes of receipts which may be classified as licenses and which depend for their enforcement upon the inspection of the police, who may require the people who carry on certain trades and exercise certain privileges granted by the city, or who own certain animals, to produce the evidence of their payment of the proper tax in order to continue to exercise such trade, enjoy such privileges, or own such animals. These include licenses for the sale of liquor, business licenses, factory licenses, dog licenses, licenses for transportation and locomotion, occasional licenses, permission to erect permanent or temporary buildings in the public streets, and peddlers. All these licenses are issued now by the auditor's office except the licenses to carry on businesses and factories, which are issued by the secretary's office. They should be combined into one bureau, preferably in the controller's office, as that would greatly simplify the amount of bookkeeping necessary, and also would minimize the trouble to the public in obtaining their licenses.

Licenses for factories require a previous inspection and certificates from the engi-

neering department that the building is proper for the purpose. The permits for permanent buildings in the public streets require a resolution of the ayuntamiento. Temporary erections in the public streets require the resolution of the ayuntamiento and also the consent of the adjoining owner when they are adjacent to private property. All these are conditions precedent. The license bureau, upon receipt of the certificates from the proper officials that the necessary conditions precedent have been complied with, will issue the licenses in the following manner: The bureau will have as many forms of licenses already printed as are commonly used, and a book for miscellaneous licenses. (See Form 3.) This book is divided into three parts—a stub, the license proper, and the license coupon. The stub contains a brief résumé sufficient to identify the license. The license itself states that Mr. X. has paid a certain sum for the privilege of carrying on a certain occupation for a certain time at a certain place, or so much of these details as is necessary in each case. The license coupon is similar to the form of receipt mentioned above (Form 1), and contains directions to the collector to collect from Mr. X. a certain amount for a license of a certain class, and this is signed in the license bureau. It contains at the foot a blank receipt, and this coupon only is given to the applicant in the first place. The latter takes it to the collector, makes his payment, receives the coupon receipt, returns with it to the license clerk, gets his license, and surrenders his receipt. All these license coupons should be forwarded to the controller at the close of the day, together with a tabulated statement showing the amount received from each class of license and the sum total of the fees for licenses issued from this office.

It will be seen from the above statement that the only licenses issued to-day in the city of Habana which are subject to conditions precedent—that is to say, where the applicant is to satisfy the authorities that he has complied with all the regulations before receiving his license—are licenses for factories or permission for permanent or temporary occupation of public property. A thorough examination of the purposes for which licenses are granted should be made, and in many cases it will doubtless be found that an examination of the premises to be used, the character of the business previously carried on, and the manner of its management in previous year will require a special investigation by the police or sanitary authorities and their report before the license is granted. This is specially necessary in the case of places which sell liquor, and billiard saloons, but this is not properly part of the financial system. Whatever restrictions may be imposed, it is the business of the chief of the license bureau to see that they are strictly complied with in every case before the license is issued.

The bureau of licenses should also keep a record of all licenses issued in books prepared for that purpose. The books referring to peddlers and hack drivers could be arranged in numerical order, the numbers corresponding to the number of the license, because reference would be necessary only to determine whether a man having a certain license was entitled to it or not. Moreover, a hackman's number is often of value to him. If he has had it any length of time his customers will know him by it. A book of record for each of the other classes of licenses should be made, of ample size to contain the records of each year, and should be devised alphabetically so that all the names of the licenses beginning with the same letter should be together. The record should contain the date of the issuance of the license, the name of the applicant, the location of the business, details of any action by other boards in the nature of conditions precedent, the amount paid for the license, and the date of payment. For the licenses of which only a few are issued a miscellaneous book should be kept, divided into as many parts as there are classes of miscellaneous licenses, and the entries made in it as the licenses are issued. This last form is contemplated only when comparatively few licenses are issued in the year in each one of these miscellaneous classes.

All important licenses for which large sums are paid should be on an engraved form in order to prevent forgery.

Every licensee who does not have a permanent place of business but is in the streets should have a badge which bears his number and the class of license. These badges should be of different shapes and colors, corresponding to the different classes of such licenses, and vary from year to year.

Under the terms of the city's mortgage with the Bank of Spain the latter has the right to collect the water rents, the market rents, and the money paid for the right to furnish water to the ships in the harbor, commonly called the "Espigon de Paula." The system of collecting and accounting by the bank should be in harmony with that used by the city. We believe that the bank should be treated exactly as a city official for the purpose of making these collections, and such a system adopted that when the bank ceases to exercise these privileges the same system of books and records can be continued in the office of its successor as collector.

WATER RENTS.

The department of water should be furnished by the controller with books of numbered bills, with stubs. The former should make out the bills whenever the necessity arises, retain the stubs, and send these bills to the bank for collection, and also send a detailed list of all bills issued to the controller of the city. The controller should then charge the bank with the amount of these bills in a separate account, and the bank should make a daily report to the controller of the amounts it collects. When the time comes for the enforcement of penalties the controller should make an examination of the accounts of the bank, and the bank must have bills in its possession for the difference between the bills charged to it and the cash received and accounted for. The statement of bills issued, which the water department prepares, should be so made out that they could afterwards be bound in book form and kept at the bank and the controller's office as permanent records, and blanks should be left in them for entry of payment of bills or for an entry that the bills were not collected and the water turned off, or that whatever penalty applies had been imposed. At present the bank itself makes out the water bills, and a check upon the amount it collects is the keeping of a duplicate set of books in the bank itself by city employees, which is cumbersome and expensive.

Here, again, we see the necessity of a careful survey of the city, and in order to know what houses are liable for water rents there should be a map showing every connection between the houses and the mains. The assessors' map could be taken by the water department and used for that purpose. The same remarks that have been made about the form of record for real-estate taxes apply to the water system. If the water tax is made a lien upon the property the city has no necessity for keeping track of the owners or tenants, and they need simply to keep their records by the lot and plat numbers of the water department's map.

A new system of water rates and regulations should be adopted, and the system used in Providence is recommended as very practicable. In order to keep track of the work all the plumbers of the city should be licensed and should obtain a permit before doing any work affecting the water supply, and they should be required to make a deposit to cover the expense of any repairs that the city may have to make after they have completed their work. Under such a set of rules the changes of water supply in the houses will have to be reported by the plumbers to the water department before they receive permits to make them, and a rearrangement of the rates can be immediately made. The rates in Providence are intentionally made high except where meters are used. The experience of the officials there is that the introduction of meters in 25 per cent of the houses that did not use them before reduced the loss of water by about 10,000,000 gallons a year.

When a metered service for water is used a deposit should be made in advance by the person who takes the meter which should equal in amount the smallest annual payment allowed under metered service.

The water bureau should also have the power to make special assessment for water whenever they deem it advisable, and they could use this power to impose fines upon people who were wasting water, and thus oblige them to take meters.

We do not submit a form of bill to be used in the water department, because we believe emphatically that a new system should be adopted, and when that is done the form of the bill must correspond to such system; the form of reports, however, should be in substance like appended Form No. 4. When the time for the payment of water bills is past and it becomes necessary to shut off the water, the bank should return to the controller all unpaid bills subject to this penalty, and these should then be destroyed, after keeping a memorandum and crediting the bank with them. A new record of such cut-off taps should be made, and when the owner or the occupant of the houses wishes to have the water turned on again a special form should be used, similar to the licenses; that is, a stub and a direction to the mechanical department of the bureau to turn on the water, and a coupon receipt. The water department should make out these coupon receipts, which should be a direction to the bank to collect the amount. The applicant should then go to the bank, pay the bill, bring back this coupon, duly receipted, and he should then be given an order to turn on the water, the coupon receipt to be retained by the water bureau and forwarded at the close of the day to the controller.

ESPIGÓN DE PAULA.

At present the right to supply vessels in the harbor with water is sublet to a contractor. The method of collection by the bank of the amount of this contract should be that the controller should furnish the bank with bills as often as payments are to be made, charging the bank with the bills.

CITY MARKETS.

The only possible way to get an adequate income from the markets of the city is to inaugurate an entirely new system of management. A market bureau should be created, presumably in the department of public works of the city. The head of this bureau should have charge of all the markets, and the stalls should be renumbered and a plan made of them, a copy of which plan should be furnished to the controller. The city council or controller should then rearrange the prices to be paid, according to the number of square feet occupied and the desirability of the location. At the beginning of each month the bureau of markets should prepare a set of bills for each occupant for his monthly rent in advance, and send these bills to the bank, together with a detailed statement of them, and a copy of such statement to the controller, the bureau retaining a copy of the list and also the stubs of the bills. The controller should immediately charge the bank with the amount of these bills. At the end of ten days the market bureau and the controller should be furnished by the bank with a list of the unpaid bills, and the lessees should be immediately notified from the controller's office that unless they pay within forty-eight hours they shall be evicted. At the end of the forty-eight hours a further report shall be furnished to both the market master and the controller by the bank of the payments received, and the market master should evict all tenants who have not paid. The market master and his assistant should have police powers.

As a check upon the market master, the controller's office should have inspectors whose duty it should be to go at frequent, but irregular, intervals to the markets and note what stalls are occupied and what are vacant, and then compare the results of their inspection with the list of bills furnished by the bureau of markets. If a stall is rented before the 1st of the month, a similar bill and report for the proportionate part of the rent in advance should be furnished by the bureau of markets the same as for the monthly rent in advance, and the tenant should be obliged to obtain his receipt from the bank and exhibit the same to the market master before being put in possession of the stall. The same method should be used by all new tenants taking possession. A form of reports for the use of the bureau of markets is submitted and marked "Form 5."

It will be seen that in general the bank is treated just the same as any other collector. There is one exception to this. Under the terms of its mortgage the bank has the right not only to collect these three sources of income mentioned, but also to apply the proceeds to the payment of the interest and principal of the mortgage. It can not, therefore, be required to pay over the money received each day to the city treasurer, but will account only at the end of each quarter, when it must pay or receive the balance shown to its debit or credit. The system submitted, however, seems a sufficient check, and we are confident that it will greatly increase the city's revenues.

CHAIR CONTRACT.

At present the right to rent chairs in the parks and on the Prado is sublet to a contractor. The form of receipts for all city contracts should be the same as used for the Espigón de Paula, substituting the city collector for the bank.

POLICE-COURT FINES.

The proper system of check upon the police-court and other municipal-court fines is to require the clerk of the court to send every day to the city controller a record containing an abstract of his docket, viz, the number of the case, the name of the accused, the charge against him, what disposition was made of the man, and the amount actually collected. This should be signed by the clerk of the court and countersigned by the judge who sits each day. The clerk of the court should forward this paper, with the money, to the collector, who should sign a receipt for the money at the bottom of this form. This paper should be in duplicate, one copy to be retained by the clerk of the court and the other filed in the controller's office.

CITY JAIL.

The sources of income from the city jail are from contractors who use prison labor, from the barber shop, and from the renting of special quarters. The most feasible system of keeping check upon the contract labor is to require some official to make a weekly report to the controller of the amount due under the terms of the contract, giving such details as are necessary, according to the way each contract is drawn; send this report to the controller's office, countersigned by the chief jailer, and send

receipts to the collector to whom the contractor shall make all payments. The whole system of contract labor seems wrong and very wasteful. The prisoners should be properly employed on such work for the city as they can do, and receive no pay for it.

The collection of the amounts paid for special quarters in the jail should be made by a clerk of the collector's office. The jailer should be furnished by the controller with numbered receipts bearing stubs, which should be given to each prisoner upon payment in the morning for the twenty-four hours' rental. These receipts should be signed by one of the officials of the jail and countersigned by the collector's representative, and both of them should initial the stubs. The jailer should then send a daily report, at the close of the day, to the controller of the amount collected by the collector.

The most feasible system of keeping track of the amounts actually received at the barber shop is to require a prison official to get a number of barber-shop tickets every Monday morning from the controller, for which he is charged, and on Saturday or Sunday afternoons to return the unused tickets with the cash for all that he has not returned. The payment to the barber will then be made by an official of the controller's office upon the surrender of the canceled tickets. In this way the prison officials will make no payments to the barber.

The entire system of accounts in the prison should be coupled with frequent inspections of it at irregular intervals by an inspector from the controller's office, who should have the right to examine the books of the prison and go through all parts of it, report the number of men laboring, the number of cells occupied, and make such inspection of the barber shop as he can. If a system of contract labor is resumed at the "Asilo de San José," the same system of accounts as recommended for the prison should be adopted.

SLAUGHTERHOUSES.

The form of accounts to be used in the slaughterhouses should be as follows: A deputy collector should be stationed there at such times as the cattle enter the corral or the slaughterhouse itself, and when the dressed beef is carried away. The system now in use there is that the gateman counts the cattle which enter the corral, another man counts those which go from there into the slaughterhouse, and another counts the carcasses of meat that leave, and each makes his report to the collector, who then collects the fees. There is a fixed tariff for each operation. The subcollector should be furnished with receipts by the controller, the receipts being of different colors for each tax. They should be printed in the form of United States postal notes, so that when they are torn off they would show the number of cattle for which the tax is paid. The receipts should be delivered to the gateman whenever the cattle enter the corral or pass from it to the slaughterhouse, or when the dressed beef leaves. The gateman should prepare a full list of the cattle which enter and of the beef which leaves for the chief of the slaughterhouse, and then he must also hand over to him the collector's receipts for the fees. The chief should daily forward these receipts to the controller. The collector should also make a daily report to the controller, and the controller should have the right to inspect his books or receipts at any time, and whenever a receipt book is used up it should be sent back to the controller's office, the stubs being left in it to be compared with the receipts turned in by the chief of the slaughterhouse.

FINCAS RÚSTICAS AND URBANAS.

At present the auditor receives a list of those who pay the fincas urbanas and fincas rústicas taxes, arranged in alphabetical order. He should prepare a tabulated statement of this list in duplicate, and also a set of bills, which should be arranged in alphabetical order, which bills need not have stubs. Before the bills are payable he should forward a copy of this list, together with the bills, to the collector and charge him with the amount of them.

When a city assessor's office is established it should prepare these bills and lists and forward them to the collector and controller, respectively.

The collector should make daily reports to the controller of the bills paid, with the details showing the amount of discount and interest, and the controller should copy the same on his duplicate list and verify the correctness of all computations. When the penalties begin to accrue he should make a careful examination of all the unpaid bills remaining with the collector and see that they correspond with the latter's reports. The examination should be repeated when the time to advertise for sales arrives, and he should then calculate the accrued interest and add that with the advertising expenses to the bills (the latter by stamp), and charge such additional sums to the collector as if a new bill were issued. These sums should also be entered upon the duplicate list in his office and that of the collector.

PAVING, SIDEWALKS, AND SEWERS.

The present law in Cuba is that property owners pay a part of the expenses for paving the street adjacent to their property and for laying sidewalks there. They pay no expenses for sewers except the expense of making the connection between the house and the sewer. Sewer connections should be made under the superintendence of the city officials or by city workmen. If such work is not done by men under direct municipal control the contractor who has charge of it, before obtaining his permit to do this work, should be obliged to make a deposit sufficient to cover the expense of any repairs necessary to replace the street in proper condition. The method of collecting these deposits has been discussed under "Permits."

All expenses for work done by the city should be liens upon the property; and here again the necessity for a complete map of the city is apparent. Also in this department, since these charges are liens, there is no necessity of keeping track of the changes of ownership. These bills should be made out in the proper bureau of the department of public works of the city, and in cases of permanent improvements the taxpayer should be allowed a term of years, usually five, in which to pay it, paying each year an annual pro rata part of the expense, being allowed a discount if he pays in advance. The department which has charge of the work should make out a full, detailed statement of the work done. It should give the location of the property, the character of the work done, the expense per linear or square foot, as the case may be, the proportion which the property owner pays, and the amount of each annual payment. There should then follow blanks in which to enter the date and the amount of each payment. A copy of these lists should be furnished to the collector and another to the city controller. The department of public works should also furnish the collector with bills made out for each annual payment separately. These bills should be numbered and each account bear the same number, the different years being indicated by the letters A, B, C, etc. The collector should send a daily return to the controller of all amounts collected on these accounts, and the controller should verify the amounts and enter the payments upon the statements furnished him by the department of public works, and should examine the bills remaining in the collector's office at least once a year and check off the latter's report. This will necessitate the frequent handling of bills, and as some of them will not be used in five years it is therefore recommended that those bills be printed on a light cardboard and filed away in drawers arranged on the card-index system. This arrangement of cards contemplates cards at frequent intervals of another color, with a small spur or projection above, which will serve as an index to the cards in each section and facilitate their frequent handling and examination. This same system could with advantage be applied to the bills for the *fincas urbanas* and the *fincas rusticas*, and, in fact, to any set of accounts where a large number of bills have to be kept ready for constant reference and quick handling.

At the end of the year the unpaid installments should bear 12 per cent per annum interest, and if the assessment is not paid at the end of the period allowed the property should be sold in the same way as for nonpayment of taxes.

SUBSIDIO INDUSTRIAL.

The present system of collecting the subsidio industrial is absolutely inadequate, and a radical change is necessary. In the first place, each police captain should be required to get a list of all the places of business within his district. These police lists should be made out by streets and blocks and should give the street and number, the name of the owner, the character of the business carried on, and such details as will enable the controller to classify the business and determine the proper tax. Inspectors from the controller's office should be making out duplicate lists at the same time. These lists should be compared, and where they do not agree a third inspection should be made or the owner of the shop sent for to state, under oath, the extent and character of his business, whichever may seem best to the controller.

When this examination is complete the details of it should be entered upon the system of cards like Form 6, and these cards will constitute a permanent record in the controller's office. When any man goes out of business the cards should be put away and kept in a dead file. The card system is specially applicable to a form of permanent record which involves many and constant changes. Each card should be numbered and they should be arranged alphabetically according to the names of the proprietors. The numbers should never be duplicated; that is to say, if a man changes his business or his location he would receive a new number and card. A mere change in the extent of the business at the same location would not necessitate a new number, but such minor changes would be entered on the old card with the tax. As soon as these returns are complete the controller

should make out a list on a blank prepared for that purpose and forward it to the collector, together with the bills already prepared. The object of numbering the accounts is thus apparent, as it facilitates the controller in checking off the bills which are not collected. When 5 per cent penalty is due the controller should make an examination of the unpaid bills which the collector has, and he should charge the amount of the penalty upon the bills then unpaid and charge the collector with these additional amounts. When the time comes for closing up the business for nonpayment of this tax the bills should be returned to the controller, canceled by him after noting them, and the police notified to close up the business. Whenever a new business is opened this tax must be paid in advance before the establishment opens; and it also should be the duty of the police to notify the controller from day to day if a new establishment is opened in any district, and the controller should then ascertain whether the tax has been paid in advance or not. If any establishment succeeds in starting business and remaining open for ten days without paying this tax and no report is made of this fact to the controller by the police, the police captain of that district should be fined.

3. *Treasurer's office.*

It has already been stated that the treasurer is to receive every day from the collector the moneys collected for that time and give him duplicate receipts for the same. For his usual duties he need not keep any set of books other than memorandum books, one for general cash, in which he enters all receipts on the debit side and all payments on the credit side. These are then to be posted into the memorandum ledger, which should be divided in accordance with the various appropriations and the various sources of income. At the beginning of the fiscal year he should credit each appropriation with the amount allowed by the city council and debit the payments made from time to time. For receipts he need simply credit each class of receipts with the cash as it comes in.

For his own protection, however, it would be well for him to have a receipt book, ruled like a journal, in which he should enter all the warrants as they are paid and take the receipt of the payee for the total. It would also be well for him to pay all amounts over \$200 by check, as that will shift the responsibility of identifying the payees from his shoulders, where it otherwise would be, upon the bank.

The treasurer should be allowed to keep the city funds deposited in various banking institutions. These depositories should be designated by the city council, and unless they are public banks and subject to public examination they should furnish bonds to the city as security. Such a deposit, under the proper management, would probably result in the city receiving an appreciable amount as interest on its deposits. At the close of every week the treasurer should receive a duplicate statement from the cashier of each depository of the amount of city funds on hand there and forward one copy to the controller. The controller should also be given the power to require such statements of account from these banks from time to time as he may think best, or to examine their books and papers relative to such accounts. This latter power would have to be obtained under the terms of the contracts with the various banks.

The treasurer's account should be examined by the controller not less than once a month, and every week he should make a return to the controller stating the amounts he has received from various sources during the week, the amounts which he has paid, the cash on hand, and where that cash is.

It is our opinion that the treasurer should also pay all the bills the city owes. The following system of obtaining supplies, verifying the correctness of the amount received, auditing the accounts, and paying the bills should be adopted:

All expenditures of the city in amounts of \$500 or over, except salaries, should be made only by contracts granted after public notice and bids. Before any such contract can be binding upon the city it will have to be indorsed by the controller to the effect that there are funds on hand in the city treasury with which to pay it. When any such certificates are made, the amount payable under the contract should be immediately charged up in the controller's memorandum of appropriations, afterwards referred to, against the appropriation from which it is payable.

A complete system of accountability for all payments made includes a complete supervision of the supplies ordered and of the quantity and quality of all received, of the appropriateness of their purchase, and of the correctness of their prices. The present system of buying municipal supplies through monthly contracts made by a committee of the ayuntamiento seems to be satisfactory as far as it goes. Such a contract should be approved as to form by the city attorney and a copy sent to the controller and to such departments of the city as would need it for reference. When a department needs any supplies, a requisition should be made by the chief clerk of the depart-

ment or bureau, countersigned and approved by its chief, and forwarded to an employee of the controller who shall be denominated the "property clerk." The requisition as made out in the department should simply state the quantity and the description of the articles needed. The property clerk should then see whether there is an appropriation for the purchase of those articles, and whether or not the requisitions made against such appropriation have exceeded its amount. He should then fill in the name of the contractor who furnishes such articles, and the contract prices.

If there is no appropriation available from which the required articles can be purchased, the property clerk should return the requisition to the department from which it came, with a statement to that effect stamped across its face.

If there is an available appropriation, but the city has no contract with anyone to furnish such articles, the property clerk should get bids from at least three dealers in the articles required. He should then decide which bid was the most advantageous to the city and enter the name of the successful bidder, with his prices, upon the requisition. He should then prepare on a printed form an order which directs the contractor to furnish such an officer, at such a place, with a list of goods at the prices set out. The order should be signed by him and sent to the controller for approval, accompanied by the bids he has received, if any. When approved by the controller the order is sent to the contractor, who proceeds to deliver the goods. At the foot of the order a blank form should be printed, to be signed by the chief of the department by which the supplies are ordered, which will state that on such a date he received the articles which appear in the above list in good condition. Such orders should be accompanied with a sworn statement that the goods are correct in quantity, which statement should be made by the city weigher or measurer appointed for that purpose. A sworn statement that the quality of the goods furnished corresponds to the quality required should also accompany the order. The latter certificate should be made by a person appointed for that purpose, and if possible the members of the various boards of trade should be asked to serve in this capacity. If that could not be done, experienced men should be appointed to official positions in order to do this work. The contractor will then return to the controller's office with this order and a bill. He should receipt the bill and also sign an affidavit at the bottom of it or indorsed on it to the effect that the item and prices are correct, the goods have been delivered, there is no set-off, and no payment has been made on account except as set out in the bill.

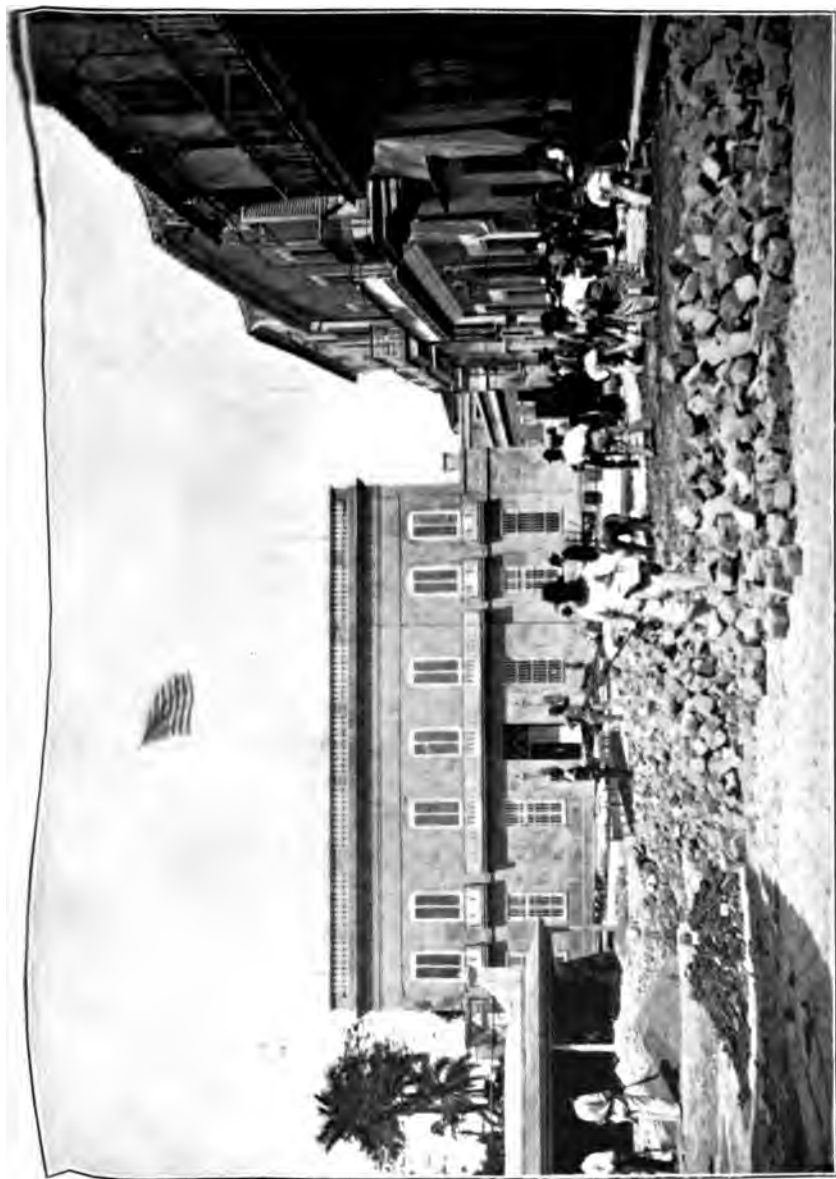
Upon signing the affidavit, receipting the bill, and surrendering the order the controller gives him a warrant on the treasurer for the amount due. If the account covers items payable from different appropriations, they should be divided into bills in accordance with the classification of the appropriations, and a separate warrant issued for each appropriation to enable the controller and treasurer to know the situation of every appropriation at any time. The requisitions should be made upon cards which bear different colors, according to the various classes of articles ordered and filed away by the property clerk in a case prepared for that purpose. In this way the cards would serve as his records, and at the end of each week he should enter in a memorandum book prepared for that purpose the amount of requisition approved by him against each item of the appropriations.

Each requisition on leaving the property clerk should be numbered in a consecutive series, and the order he sends to the controller should bear the same number. He should index the requisitions by the card-index system, the index arranged alphabetically by the names of the articles purchased, each index card containing the number of the requisition which called for such article, the quantity purchased, and the price paid.

The controller under this system would have his own order returned to him bearing the receipt for the goods, which would throw the responsibility for the correctness of the quantity and quality received on the receiving officer and inspectors of quantity and quality; he would have the statement of the property clerk, who would be responsible for the correctness of the price and the computation of the bill, and he would have the receipt of the contractor, thus collecting in the controller's office all the necessary documents for a complete investigation of any payment made.

The receipted bills and orders should be filed away in numerical order in the controller's office and indexed by the card indexes under the names of the contractors by this means all the details of all dealings with any contractor could be reached at any time.

This system throws the entire responsibility for the correctness of the computation of the requisition and the determining whether they are within the appropriation on the controller, where it belongs, and it also gives him the power to control the expenses of every department and see that goods bought in the open market are bought at proper prices.



HEADQUARTERS DEPARTMENT OF HAVANA, LOOKING EAST. JULY 1, 1899.



HEADQUARTERS DEPARTMENT OF HAVANA. LOOKING EAST. APRIL 1, 1900.



CATHEDRAL, LOOKING WEST. MARCH 1, 1899.



CATHEDRAL. LOOKING WEST. APRIL 1, 1900.



INDIA FARA. CUBAN RELIEF COMMITTEE DISTRIBUTING FOOD. MARCH 1, 1939.



INDIA PARK. INDIAN STATUE. JANUARY 1, 1900.

The controller should not have the power to refuse requisitions upon his mere discretion without cause, but in case a reputable citizen complains that the work of any contractor is being improperly performed, or the controller has reason to believe that such is the case, he should have the power to make an independent investigation of such a matter, and withhold the warrant for payment if, in his opinion, the work was not properly performed, even if the head of any department should certify to the contrary. This has been found to work admirably in both New York and Philadelphia, when the complaints were not such as to warrant the mayor to use his power of removal over the head of any department.

The system of paying salaries should be this: The poorer classes, who labor for small wages and especially those who labor for irregular periods, should be paid once a week and the regular salaried employees in the offices once a month. The head of each bureau should prepare a pay roll in advance, which should contain the name of the employee, his position, amount of his salary, and the amount due him for each particular month. This should be signed by the recipient in advance and approved by the head of the bureau. It should then be forwarded to the controller, who should examine it, and if found correct he should draw his warrant on the treasurer for the amount of the pay roll in favor of the head of the bureau. The head of the bureau, or some one appointed by him, should pay the money to the men. For his own protection it is also advisable that he should have a duplicate pay roll to retain in his possession. In case he desired to get the money from the treasurer by one of his clerks instead of going personally, he should give that clerk a power of attorney to receipt for such moneys, which power should be filed with the treasurer.

When casual employees are paid, such as day laborers, the foreman of the gang should also swear to the correctness of the pay roll in every detail.

Temporary deposits should be repaid in exactly the same way as a bill. The depositor should receive a certificate from the head of the proper department that the street has been put in proper condition, with a statement of the amount this has cost the city, if any. The depositor should go with this certificate and his receipt from the collector to the controller and make out a bill against the city for the balance due him, if any. The collector's receipt and this certificate should be attached to his bill, and he would receive his warrant on complying with the rules applying to the payment of any bill.

The treasurer should receive and hold all bonds and other securities given to the city by employees, and issue triplicate receipts for them, one for the employee, one for the head of the department where he is employed, and one for the controller. If he receives cash as security he should keep it separate from the usual city funds, and enter it in a special book. The same should be done with all sinking-fund moneys.

4. Controller.

The most important financial officer of a city is commonly called the controller, and he has the combined duties of auditor, accountant, and statistician. His office is really an outgrowth of the auditor's office with enlarged powers and responsibilities. As this office combines great power and great responsibility, its incumbent should be protected in his office by a State law. The best plan would be to have him appointed by the city council, and hold office during life or good behavior, and be subject to removal only on specific charges and after a public hearing. This would make him not only a public official, but beyond the control of the varying politics of the successive councils, which will presumably be elective offices, and is also fully in accordance with a proper system of State laws governing a municipality. Such a system should treat only of the broad and general powers of municipal corporations and leave each city free within those broad limits to adopt whatever form of charter the local conditions seem to demand. Such a system would insure stability in the formation of the municipalities, and preserve a local autonomy. In so far as the city acts as the State's agent in collecting a part of the State revenue and afterwards turning it in to the State treasurer, all its books and accounts should be under the control of the State authorities, both as to form and as to substance; but the State should not have the power to prescribe either the form or the substance of the accounts kept by the various municipalities, in so far as they relate to matters of municipal finance only.

THE CONTROLLER AS ACCOUNTANT.

The controller should keep separate, distinct accounts for all business enterprises owned by the city; as, for example, in the city of Habana, the markets, slaughter-houses, and the water system. Each one of these should be run on strictly com-

mercial principles, the other departments of the city paying such departments for such commercial services as may be rendered them respectively. All repairs and improvements should be treated the same as in any commercial enterprise, and also in case city bonds are issued for any commercial object, a separate sinking-fund account should be kept and some sum should be written off each year for depreciation of plant, so that the commercial situation would be known at any time.

As has already been stated, all financial matters regarding the city should center in the controller's office. His system of checking collections and payments has already been explained. In addition to this he should keep a complete set of books in double entry. In order to enable the controller to keep any set of books, the budget of appropriations and income must be completed before the opening of the fiscal year. He must have a list of the various properties owned by the city and a list of all its debts. He should then open his books as follows: "City of Habana, Dr., to sundries, Cr.," which would include all the indebtedness of the city on the credit side. He would then make an entry, "Treasurer, Dr., to the city of Habana, Cr.," which would show the amount of cash in the former's hands at any time when the books were opened. He would then enter a list of the various properties owned by the city by the entry, "Properties, Dr., to the city of Habana (assets), Cr.," in which he would charge one account with the total of these assets and credit it to the other. The object of opening a separate account with the city of Habana is to show its debts against cash on hand. In order to keep track of the appropriations he should make an entry, "General appropriation account, Dr., to sundries, Cr.," the debit side of which would be the gross amount of the appropriations for the fiscal year, and the various items on the credit side would give the various sums appropriated to each specific class. When the bills for fincas urbanas or other taxes are turned in to the collector, the entries in the controller's books would then be "Collector, Dr., to Sundries, Cr.," in which the collector would be charged with the gross amount of those bills, and he would be credited as he collects them and pays the money to the treasurer. As fast as the collector sends reports to the controller that he has collected any money it should be debited to the income account from which it was received, and credited to the city of Habana in the general account; for example, "Fincas urbanas, Dr., to the city of Habana, Cr." As time went on and the collector had miscellaneous bills sent to him for collection by the different departments, the controller, on receipt of the reports from these departments which issued them to the collector, should credit the income account; for example, "Collector, Dr., to sundry licenses, Cr." When he receives the collector's report that a certain amount has been paid on account of these licenses, he should treat it the same as in the fincas urbanas and enter "Sundry licenses, Dr., to the city of Habana, Cr." When the controller receives the report from the treasurer that the cash has been turned over to the latter by the collector, he should charge the amount to the treasurer and credit the collector with it. And when the controller receives reports from the treasurer that he has paid warrants for certain accounts of the appropriation, he should debit the appropriation account and credit the treasurer; for example, "Police, Dr., to treasurer, Cr." The result of this would be that while these accounts were open and current the city general account would show all its debts and all its cash receipts. If it was thought advisable to offset these by cash expenses at any time, the corresponding entry could be made to do so by debiting the city general account and crediting the general appropriation account. But it is deemed better to leave the general appropriation account open until the close of the year, and then by one entry close it into the city general account. The unexpended balances of particular appropriations, if any, should not properly be closed at the end of the fiscal year, but should be left open for, say, two years, in order that the bills which had been disputed, or which, for any reason, had been left unpaid at the close of the fiscal year, could be paid and entered at any time within the two years after this appropriation had been made; but such balances of special appropriation accounts should not be available to pay any bill except those contracted during the year for which the appropriation was made. In many appropriation accounts it would be possible to decide definitely that there could not be any outstanding unpaid indebtedness. This would be the case where the appropriation had been exhausted, which, in itself, would close that account; and in other such cases the account should be closed by transferring the unexpended balance into the sinking-fund account. In order to close the books at the end of the year the accounts showing the city's debts should be balanced and the balance carried forward. The collector's account should be closed by crediting him with all unpaid bills remaining in his hands at that time, and if they could not be collected they should be written off altogether. If they could be collected a new account should be opened the same as if they were bills for the current year, which account should be entitled "Collector's arrear account." The various sources of income would, of course, be treated in the same way, and the credit

side of these accounts should equal the debit side of the collector's accounts. The general appropriation account should be closed into the city of Habana account. As an example of the way these accounts are done, see appended specimen journal and ledger marked "Forms 7 and 8" respectively.

Since the Bank of Spain makes its settlement with the city only every quarter, the controller should keep a special account with it, debiting this account with the amount collected every week, and making the final entries when the bank settles its accounts.

The controller should keep a set of memorandum books in which the various items or other subdivisions of each appropriation are entered, against which he should charge all warrants drawn against those items in order that he may know at any time whether the appropriations for such subdivisions have been exhausted or not. This, of course, could be a part of his general ledger, but as the data here contained would be for temporary use only, it is thought better to use separate memorandum account books for these accounts.

AUDITING.

The work of the controller in auditing various city accounts has already been treated under the head of the "Treasurer's office."

THE CONTROLLER AS STATISTICIAN.

As part of the State law governing the duties of the city controller, he should be obliged to make a complete annual report to some State official in such form as the latter may direct, giving a complete history of all the financial affairs of the city for each fiscal year, and these reports would be made within not more than thirty days after the termination of the fiscal year.

The city controller should also be required to present detailed reports of the city finances to the common council at the end of each quarter, which should set out in detail and in full, all the receipts and expenses of the city properly classified, all accounts of municipal business enterprises, and the sinking-fund accounts. If this is done regularly it would materially facilitate the preparation of the annual report, and also of such information as may be necessary to prepare the annual budget. All such reports would be published for general distribution, and every effort should be made to keep the city's accounts in such shape that these reports would be easily understood by any business man, and thus enable the public at large to keep watch over the management of the city finances.

If there is not a regular system of inspecting weights and measures, the controller should inspect and seal all those used by every city official who receives any supplies. He should also be given a detailed list every week of the inmates of every city institution who are fed, giving the number entering and leaving and the total fed each day, together with a complete inventory of all supplies on hand at the beginning of each week, a detailed statement of all received, and the amount on hand at the end of the week. This is to enable him to examine intelligently the requisitions for further supplies. The finance commission in March last recommended the establishment of a fixed ration for such inmates, but nothing has been done, and there is no check on extravagance or embezzlement in this direction. It is hardly fair to leave such a matter to the discretion of an honest official and not safe to leave it to the discretion of a dishonest one, and the need of the establishment of such a ration is pressing to prevent loss to the city.

The city controller should have the power to issue so-called revenue bonds when necessary, in anticipation of municipal receipts, in order to raise the necessary cash with which to continue the work of the city without having to wait for the collection of taxes and other revenue. They should not run over, say, four months, and in no case shall they run beyond the current fiscal year in which they are issued. All accounts for which such bonds are issued should be limited to, say, one-half of the estimated gross annual income of the city. Such bonds should be in form approved by the city attorney and be signed by the mayor and controller and should be payable from the income of the city received during the fiscal year in which they are issued.

When the amount to be raised in this way has been determined, the controller should, if possible, make an arrangement with people who have money, that they will furnish him with the cash he wants from time to time, as he actually needs it, and the revenue bonds shall not be issued until the cash is actually needed and is actually received by the city treasurer. The gross amount of the loan for which arrangements are thus made should, however, be entered on the city books as an available asset, in order that the controller can certify on contracts that the funds are available to meet the necessary payments. In this way the city will not pay

interest on the money until it is actually used, but the work against which the city must have assets for the protection of the contractors can go ahead just as if the cash was in the treasury.

In case at any time the sinking fund commission should have cash deposited under its control, it would be to the advantage to the city to borrow from this, as thus one department of the city would pay interest to another, which would be a great saving to the municipality at large. In other words, the sinking fund commission should be authorized to buy the city revenue bonds at the same terms for which they are sold in the open market.

5. *Sinking-fund commission.*

A sinking-fund commission should be established, whose duties it should be to see that the interest on the city's debts is paid regularly and that all bonds which are redeemed under the present terms of the city mortgages should be paid when drawn for redemption. Under a modern system, by which bonds are not redeemed by lot at various periods but run for a certain definite time, it would also be necessary to appropriate as much as the city could spare in every year, including the unexpended balances of appropriations, which should be paid into the sinking fund and used there to buy the city bonds in the open market, or such other bonds as would be profitable as an investment and are of the class commonly known as trust securities. This last power of the commission is discretionary and requires good judgment.

It is of fundamental importance, and it can not be too strongly emphasized, that the sinking-fund commission are not, properly speaking, part of the executive machinery of the city government, but are trustees for the bondholders, and hence must be given such a degree of independence that they may carry out their trust and can be held to strict accountability for the method in which they exercise it. Any interference by the city council with them would not only incapacitate them for their duties, but relieve them from the responsibility which must be theirs.

In order to carry out the regular transactions of the payment of interest, the city controller should be a member of this commission and should have charge of the books. He should keep a special sinking-fund account, and should transfer items from this account to the general system of books when payments or investments are actually made. The other members of this commission, it is suggested, should be the mayor and one of the members of the common council, chosen by vote to that office. Their action in the management of funds entrusted to them should be final.

It should be the duty of the sinking-fund commission to see that all bonds and coupons of the city when paid be properly canceled and destroyed, and to keep a full account and memorandum to that effect. They shall also certify to the controller every year such amounts of money as must, under the law and the terms of the city's loans, be inserted in the ensuing estimate of the board of taxation to meet the accruing annual interest or principal of any bonds or obligations issued by the city. If any city bonds are sold at a premium, the premium shall be paid over to the sinking-fund commission.

We are aware that to-day a sinking-fund commission would have little to do in Habana except to arrange to pay and cancel such bonds of the 1880 issue as are yet outstanding, but we urge its immediate appointment for this duty, because it will be easier to institute a complete and harmonious system at one time than to have to constantly add and amend.

GENERAL REMARKS.

This report is confessedly complete and detailed in some parts, descriptive in others, and again at times only suggestive. This is because a complete system can not be worked out here at a distance from Habana with every detail complete. We have therefore been explicit only where we were sure of the situation in Habana and confident of the success of the changes recommended, and as our knowledge of the situation there was less definitive and our opinion of what should be done less decided, we have expressed ourselves in less detail. If requested, we would, however, prepare and submit a complete set of forms and details applicable to such a general system as may be finally decided upon.

We beg to add that whatever system is decided upon depends for its success entirely upon the intelligence and energy of the men who are entrusted with its practical management, and no new system should be inaugurated unless it is controlled by men who understand it thoroughly and will strive patiently and unremittingly for its success.

In conclusion, we wish to repeat emphatically that it is our opinion that the municipality should be given the greatest degree of autonomy possible in the management of its financial affairs, not only in the collection and disbursement of funds, but in determining the amount of taxes which its inhabitants shall pay. To enable

it to do this, the insular laws governing cities should be broad and general, and the city should be given the utmost freedom possible to frame such a charter as should be suitable to its own peculiar situation, limited only by the broad and general restrictions which the State may impose. The present system of administrative law which governs Habana is founded upon situations in Spain, and was drawn without reference to the local conditions. Like the Spanish system generally, as applied under the old régime in Cuba, it centralizes power. Thus it not only deprives the city of autonomy, but prevents its citizens from taking part in their own government and from determining how much taxes they should pay. This discourages instead of fostering a general and active interest in public affairs. Such a system is a procrustean attempt to adapt all municipal situations to a general scheme of laws regardless of how inapplicable it may be under peculiar local conditions. It seems to us radically wrong. The autonomy of a municipality like Habana should be as great as possible, and the limits placed upon its power should be very broad and intended only to lay down certain fundamental principles applicable to all large cities regardless of local circumstances. All matters of detail and local condition should be left to the city itself. Such a large degree of autonomy is emphatically desirable and necessary, not only to give all citizens that self-government to which they are entitled and of which they have been so long deprived, but also to evolve in them such a spirit of conservatism as can come only from responsibility, and to cultivate their civic pride and a practical active interest in municipal affairs.

We are aware that many of the details of the system presented in this report correspond exactly with the system now in use in the city of Habana, and that in many other instances only very slight changes are necessary. Our endeavor has been to present as complete a system as possible without designating what parts of the system are novel and what are already in use.

In submitting this report to the Habana finance commission we can not speak too highly of the very great courtesy and attention that has been shown us in all parts of the United States. The city officials where we have been have cheerfully and gladly left their work to explain the system in use in their various offices, and have given their time and attention to the discussion of the merits and demerits of various points in municipal finance, and have shown us personal courtesies and attentions which were most gratifying. This report, as a whole, has been submitted to Prof. L. S. Rowe, of the University of Pennsylvania, and Prof. Frank J. Goodnow, of Columbia University, from whom we have received many valuable criticisms and suggestions which have been embodied in the text. It is safe to say that this report, as a whole, meets their approval, and also is in accordance with the suggestions of a commission recently appointed in the city of Washington to study municipal accounts, with the opinion of the auditors of the cities of Washington and Providence, and the comptroller of the city of Philadelphia.

Respectfully submitted.

ORENCIO NODARSE.
OSGOOD SMITH.

Modelo Núm. 1.

SECRETARÍA DEL AYUNTAMIENTO.		SECRETARÍA DEL AYUNTAMIENTO DE LA HABANA.	
\$.....	No.....	\$.....	No.....
El Recaudador de la Ciudad cobrará al Sr.....		El Recaudador de la Ciudad cobrará al Sr.....	
la suma de.....		la suma de.....	
pesos.....		pesos.....	
por.....		por.....	
Habana.....	189.....	Habana.....	189.....
Secretario.....		Recibí la suma expresada.....	(Firma).....
		Habana.....	189.....
		(Firma).....	Secretario.....
		Recaudador.....	
Pagado en.....	de.....189.....		

Modelo Núm. 2.

No.	Fecha.	Nombre.	Concepto.	Oro americano.

Modelo Núm. 3.

DESPACHO DE LICENCIAS. N.º El Sr. ha pagado hoy pesos .....cts., oro americano, por..... en la calle de..... N.º..... Habana .....189. Jefe del despacho.	OFICINAS DEL CONTADOR. DESPACHO DE LICENCIAS. N.º El Sr. ha pago en este día la suma de peso .....cts., oro americano, por..... en la calle de.....N.º..... Habana .....de 189. Jefe del despacho.	DESPACHO DE LICENCIAS. N.º El Recaudador de la Ciudad cobrará al Sr. la suma de..... posos .....cts., oro amº, por en la calle de.....N.º..... Habana .....189. Jefe del despacho. Recibí la suma expresada Habana .....189. Recaudador.
--	--	--

Modelo Núm. 4.

[Relación de los recibos enviados en esta fecha al Banco Español para efectuar el cobro del servicio de agua.]

Número del recibo.	Situación de la finca.	Precios regulares.	Precios por metros.			Cuentas especiales. Instalaciones.	Total.	Fecha del pago.	Observaciones.
			Galones consumidos.	Precio de los 100 galones.	Cantidades.				

Habana, de 189...
(Firma del escribiente.)
.....

Vto. Bno.

.....
Jefe del despacho.

Modelo Núm. 5.

Relación de los recibos que en esta fecha se remiten al Banco Español de la Isla de Cuba, para efectuar el cobro de las mesillas del Mercado de durante el mes de 189..

N.º de la mesilla.	Nombre del arrendatario.	Cantidad.	Fecha del pago.	
				(Si alguna mesilla estuviese desalquilada en la línea correspondiente y en lugar del nombre del arrendatario debe escribirse con un sello gomígrafo la palabra "Vacante." Otra relación igual para las casillas.) Habana .....189.. (Firma)..... Escribiente del mercado de.....

Modelo Núm. 6.

Núm.	Nombre.	Calle y número.	Distrito de policía.	Clase de establecimiento.	Importe.	Fecha del pago.			
						1-3 tre.	2-3 tre.	3-3 tre.	4-3 tre.
				(Si hubiese cambios, escríbase después de tirar una línea con tinta roja.)					

Modelo Núm. 7.

JULIO 1.º DE 1899.			
1	Propiedades.....	1,000,000.00	
1	Cuenta especial á ciudad de la Habana.....		1,000,000.00
	(Explíquese detallándolas)		
1	Ciudad de la Habana á varios.....	11,600,000.00	
1	á Empréstito de 7,000,000.....		6,500,000.00
2	á Pagares.....		100,000.00
2	á Deudas varias antiguas.....		5,000,000.00
1	Tesorero.....	100,000.00	
1	á ciudad de la Habana.....		100,000.00
2	Efectivos en su poder.....		
2	Recaudador á varios.....	1,550,000.00	
2	á Fincas urbanas.....		1,500,000.00
3	á Fincas rústicas.....		50,000.00
3	Presupuesto de gastos.....	100,000.00	
3	á Varios.....		
3	á Policía.....		100,000.00
	etc., etc.....		
JULIO 8 DE 1899.			
3	Fincas urbanas.....	100,000.00	
1	á Ciudad de la Habana.....		100,000.00
2	Recaudador.....	10,000.00	
4	á Licencias varias.....		10,000.00
4	Licencias varias.....	9,500.00	
1	á Ciudad de la Habana.....		9,500.00
2	Tesorero.....	109,500.00	
2	á Recaudador.....		109,500.00
2	Policia.....	10,000.00	
	á Tesorero.....		10,000.00
JULIO 31 DE 1899.			
1	Varios á Ciudad de la Habana.....		1,345,000.00
3	Fincas urbanas.....	1,300,000.00	
3	Fincas rústicas.....	45,000.00	
2	Tesorero.....	1,345,500.00	
2	á Recaudador.....		1,345,500.00
2	Fincas urbanas.....	100,000.00	
2	á Recaudador.....		100,000.00
3	R. fallidos.....		
2	Policia.....	85,000.00	
2	á Tesorero.....		85,000.00
2	Varios.....		
1	á Tesorero.....	1,000,000.00	
2	Empréstito de 7,000,000.....	750,000.00	
2	Pagares.....	50,000.00	
1	Deudas varias antiguas.....	200,000.00	
4	Varios á Ciudad de la Habana.....		5,500.00
4	Licencias varias.....	500.00	
1	Policia.....	5,000.00	
3	Ciudad de la Habana.....	100,000.00	
2	á Presupuesto de gastos.....		100,000.00
2	R. de Atrasos, 1899.....	5,000.00	
2	á Recaudador.....		5,000.00

Modelo Núm. 8.

DEBE.		PROPIEDADES.		HABER.	
1899.			1899.		
Julio 1	1	1,000,000	Julio 31	Balance.....	1,000,000
		1,000,000			1,000,000
31	Balance	1,000,000			

• CUENTA ESPECIAL DE LA CIUDAD DE LA HABANA.

1899.			1899.		
Julio 31	Balance	1,000,000	Julio 1		1,000,000
		1,000,000			1,000,000
			31	Balance.....	1,000,000

CIUDAD DE LA HABANA.

1899.			1899.		
Julio 1	1	11,600,000	Julio 1	1	11,600,000
31	2	100,000	8	1	100,000
			8	1	
			31	2	1,300,000
			31	2	
				Balance.....	10,100,000
		11,700,000			11,700,000
31	Balance	10,140,000			

EMPRESTITO DE \$7,500,000.

1899.			1899.		
Julio 31	2	750,000	Julio 1	1	6,500,000
		5,750,000			6,500,000
		6,500,000		Balance.....	5,750,000

PAGARES.

1899.			1899.		
Julio 31	2	50,000	Julio 1	1	100,000
		50,000			100,000
		100,000	31	Balance.....	100,000

DEUDAS VARIAS ANTIGUAS.

1899.			1899.		
Julio 31		200,000	Julio 1	1	5,000,000
		4,800,000			5,000,000
		5,000,000	31	Balance.....	4,800,000

TESORERO.

1899.			1899.		
Julio 1	1	100,000	Julio 8	1	1,000,000
8	1	109,500	31	2	1,000,000
31	2	1,345,500		Balance.....	1,000,000
		1,555,000			1,555,000
		460,000			
	Balance				

Modelo Núm. 8—Continúa.

DEBE.		RECAUDADOR.		HABER.	
1899. Julio	1 8	1 1	1,550,000 10,000	1899. Julio 8 31 31 31	1 2 2 2
			1,560,000		109,500 1,345,500 100,000 5,000
					1,560,000
RECAUDADOR DE ATRASOS.					
1899. Julio	31	2	5,000	1899. Julio 31 Balance	5,000
			5,000		5,000
	31 Balance		5,000		
FINCAS URBANAS.					
1899. Julio	8 31 31	1 2 2	100,000 1,300,000 100,000	1899. Julio 1	1
			1,500,000		1,500,000
FINCAS RUSTICAS.					
1899. Julio	31	2	45,000	1899. Julio 1	1
			5,000		50,000
			50,000		50,000
				Julio 31 Balance	5,000
PRESUPUESTO DE GASTOS.					
1899. Julio	1	1	100,000	1899. Julio 31	2
			100,000		100,000
POLICIA.					
1899. Julio	8 31 31	1 2 2	10,000 85,000 5,000	1899. Julio 1	1
			100,000		100,000
LICENCIAS VARIAS.					
1899. Julio	1 31	1 2	9,500 500	1899. Julio 8	1
			10,000		10,000

APPENDIX C.

Remized statement of money expended by

Class.	No.	Nature of expenditure.	1889-90.	1890-91.	1891-92.	1892-9
			Currency.	Currency.	Currency.	Curren
1	1	Salaries of employees	\$54,753.57	\$61,557.25	\$60,145.47	\$65,76
	2	Office supplies	10,357.65	10,311.53	9,987.77	9,94
	3	Authorized subscriptions	26.54	49.60	89.33	1
	5	Repair of furniture	319.27	22.75	102.25	1
	7	Election expenses	475.00	654.35	388.88	1,11
	8	Minor expenses of council (a)	432.77	490.91	40.58	16
	10	Tax collectors' fees	22,985.49	42,979.66	58,553.48	28,02
	1	Expenses of alcaides (mayors)	25,796.72	42,731.67	40,374.98	42,99
	2	Cost of maintaining municipal police	73,353.61	85,038.40	96,604.06	98,65
	3	Supplies and uniforms, municipal police	1,246.21	2,118.22	2,023.45	2,60
2		Fire department:				
	4	Salaries	4,007.32	4,418.74	4,631.01	5,52
	4	Materials	3,487.47	4,411.62	10,401.84	6,15
	5	Fire service for shipping in harbor				
		Care of parish clocks:				
	1	Salary	400.00	200.00	306.00	30
	1	Material		18.50	159.00	3
	2	Gas bills	101,814.66	103,479.91	104,852.74	78,12
	2	Illuminating oil	1,207.20	1,299.50		1,20
	3	Street cleaning	114,362.90	114,578.48	129,603.52	125,03
3		Care of trees:				
	4	Labor (parks)	6,719.95	7,018.79	9,457.18	9,31
	4	Materials	1,206.94	1,255.80	382.53	18
		Butchers at slaughterhouse:				
	6	Salaries	13,270.66	13,381.86	14,230.78	14,90
	6	Materials	2,708.29	4,129.00	2,646.56	2,84
		Aqueducts:				
	9	Labor	10,072.45	12,812.39	17,322.46	15,40
	9	Material	954.20	1,459.89	1,463.90	49
	1	Teachers in public schools	43,699.82	46,256.00	54,335.50	55,06
4	2	Materials for public schools	10,649.21	11,222.42	12,321.71	13,03
	3	Rent of buildings for public schools	25,776.28	27,072.78	29,227.35	29,79
		San José Asylum:				
	1	Salaries	3,752.87	4,383.96	4,197.00	4,28
	1	Materials	11,584.60	12,916.98	13,082.65	12,18
		Emergency hospitals:				
	2	Salaries	27,334.34	36,758.42	42,708.18	45,98
	2	Materials	6,406.07	13,670.09	25,140.65	23,80
	6	Aid to certain charitable institutions	25,000.00	34,000.00	25,000.00	27,96
	8	Food for lunatic asylum	30,000.00	30,000.00	30,000.00	30,00
5	1	Repairing public buildings	1,057.84	1,457.14	2,963.88	4,87
	2	Repairing public highways	864.00	2,133.02	2,646.16	.....
	3	Repairing public fountains and their water pipes	2,866.48	5,982.69	2,851.47	2,37
	6	Care of pavements and sidewalks	18,725.79	153,468.82	138,539.90	138,78
		Office of public works:				
	8	Salaries	5,210.59	5,500.38	5,536.46	7,85
	9	Materials	72,495.72	9,950.53	12,006.63	12,17
		Jail employees:				
	3	Salaries	7,590.20	7,721.39	15,256.86	16,62
	3	Materials	37,514.98	39,908.30	42,438.26	40,93
7		Prison hospital:				
	5	Salaries	1,311.04			
	5	Materials	10,371.44			
		Encouragement of tree planting				
	1	Expenses of census	884.12	968.44	1,504.12	2,88
	3	Public receptions	1,113.45	1,050.55	1,229.58	1,19
	4	Pensions				36
	5	Interest on mortgage and redemption of bonds	146,459.00	179,146.50	427,173.77	552,79
	8	Indemnification for land taken for streets and parks	5,353.48	8,440.31		1,10
	9	Expenses of litigation	7,126.12	11,501.86	8,725.40	11,66
10	10	Refunding of unlawful tax assessments	27,133.35			
	11	City's share of expense of province	74,000.00	91,139.15	121,132.35	83,34
	12	Rent of lands for use of city	1,224.00	1,699.00	1,224.00	1,22
	13	Expenses of mortgage of \$6,500,000		516.00		
	14	To legalize mortgage of \$6,500,000		1,275,400.00		
		Albear Canal:				
	8	Salaries	10,888.87	17,149.92	19,075.92	14,88
	8	Materials	35.50	1,001,419.78	866,746.44	836,30
	9					
	10	Albear monument				
11	11	Mausoleum to the victims of May 17, 1890				7,97
	13	Construction of surface drains				
	14	Money due Dr. Serafin León				
	1	Necessary expenses on account of casualties	42,549.63	49,963.47	37,850.67	45,96
	12	To pay overdue bills of previous years	2,478,422.46	4,564,168.57	408,826.20	58,00
		Total	3,587,209.32	8,675,169.29	2,916,716.08	2,089,88

REPORT OF BRIG. GEN. WILLIAM LUDLOW, U. S. A.

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APPENDIX C.

council from July 1, 1889, to January 1, 1899.

1893-94.	1894-95.	1895-96.	1896-97.	1897-98.	1898 to Jan. 1, 1899.
Currency.	Currency.	Currency.	Currency.	Currency.	Bills.
\$62,521.96	\$63,087.69	\$63,396.48	\$62,461.79	\$70,035.11	\$2,781.00
12,174.48	13,953.64	14,948.88	10,102.35	19,191.43	551.30
9.00	27.00	53.00	100.00	72.00	4,538.16
217.53	990.50	176.60	12.00	678.60	.....
1,163.52	559.95	1,218.28	6,693.25	6,608.17	169.68
460.94	477.47	568.50	681.43	1,258.21	513.13
36,769.70	46,606.29	43,971.38	64,387.23	28,779.81	8,126.37
38,862.16	40,457.61	40,175.02	30,995.72	27,612.13	5,272.45
83,421.92	82,372.15	89,033.44	66,822.77	57,371.40	9,091.90
2,138.27	3,033.90	3,532.39	4,005.77	7,093.29	851.74
5,085.47	5,224.09	5,831.75	4,100.03	3,320.96	1,917.79
4,584.25	7,052.19	7,261.64	5,531.23	7,615.05	1,664.06
306.00	306.00	306.00	313.64	208.04	43.22
52.65	265.10	57.70	129.48	56.90	25.50
76,000.00	61,911.81	26,423.45	25,080.70	70,015.69	2,764.03
9,468.62	10,765.90	9,390.24	7,188.54	6,193.19	1,146.64
115,994.66	115,994.66	108,943.84	133,813.76	81,823.18	9,629.33
7,027.07	9,775.50	12,576.05	12,079.89	11,985.79	729.33
709.16	1,203.86	1,278.55	669.15	2,362.01	1,218.16
13,570.04	14,637.30	14,321.74	11,954.60	7,115.45	715.80
2,626.30	2,663.27	4,000.23	2,601.12	1,295.36	278.06
12,212.06	20,586.62	29,966.62	.....	.....	.....
1,193.46	42,321.26	54,584.08	55,690.17	24,572.87	888.73
12,995.27	10,023.60	9,862.97	14,386.20	6,477.80	1,109.00
10,821.61	23,959.27	32,240.77	32,326.92	6,602.81	508.58
23,470.90	3,930.01	3,950.54	3,434.18	2,804.15	1,933.40
3,831.07	9,635.03	10,145.21	9,079.31	11,202.73	1,040.70
11,364.70	43,344.43	46,431.84	34,572.64	31,555.38	7,524.54
43,616.85	23,836.87	27,793.88	24,003.70	27,680.17	9,492.17
21,738.82	30,699.92	36,699.92	31,399.95	25,636.84	7,455.71
23,800.00	38,000.00	41,500.00	36,300.00	11,249.35	2,853.67
26,000.00	9,256.03	3,129.40	3,333.19	3,598.43	847.45
5,720.97	.....	1,428.73	.....	.....	20.71
2,000.00	.....	.....	.....	.....	.....
2,570.53	161,212.75	199,877.50	193,195.33	93,349.92	11,107.28
184,277.33	9,106.62	7,379.60	11,572.26	8,273.72	15,086.87
8,356.13	11,714.12	15,945.66	13,558.94	22,927.38	2,135.22
12,191.37	15,769.66	16,101.54	17,779.12	9,424.29	2,447.60
15,099.81	42,756.65	52,243.34	70,930.04	83,684.12	6,805.46
39,133.36	.....	.....	.....	.....	2,787.80
.....	.....	.....	.....	.....	26,930.95
.....
76.00	79.10	151.09	.....	132.45	.....
2,979.73	2,915.46	2,340.46	1,478.73	995.92	1,271.18
1,134.46	1,165.60	1,084.84	1,277.65	1,179.05	188.00
360.00	543.26	559.92	2,471.38	2,185.88	52.12
593,605.05	581,729.88	593,240.53	692,516.68	532,413.90	361.12
.....	2,348.74	.....	.....	.....	796.64
9,587.85	11,563.34	11,889.99	6,958.87	6,570.40	157,861.08
76,356.61	2,095.43	5,416.62	23,074.24	2,620.55	1,744.20
1,122.00	78,562.08	96,706.90	73,533.16	68,949.98	21,705.91
.....	1,122.00	1,224.00	.....	.....	10,800.00
.....
13,759.92	9,600.00	10,000.00	3,938.00	400.00	.....
78,779.24	2,617.96	.....	5,726.45	.....	.....
.....	2,079.00	2,449.05	6,338.20	1,788.85	2,192.18
29,000.00	.....	.....	.....	.....	.....
89,583.14	21,157.05	145,012.22	217,130.06	231,157.96	74,411.96
285,653.34	179,542.79	183,402.81	249,377.63	43,795.63	55,214.05
2,095,555.18	1,876,670.31	2,095,255.19	2,285,113.45	1,675,252.10	15,893.41
.....	.....	.....	.....	.....	46,356.07
.....	.....	.....	.....	.....	2,936.92
.....	.....	.....	.....	.....	4,031.55
.....	.....	.....	.....	.....	7,106.70

APPENDIX D.

Itemized statement of money collected by

Class	No.	Source of income.	1889-90.	1890-91.	1891-92.	1892-93.
			Currency.	Currency.	Currency.	Currency.
1	1	Proceeds of real estate, census, and other properties belonging to the Ayuntamiento.....	\$118,052.47	\$100,921.49	\$119,801.27	\$108,941.97
	2	Taxes on street venders.....	22,999.88	19,153.94	21,017.61	18,667.01
	3	Slaughterhouse fees.....	152,969.49	160,022.17	160,697.50	150,319.94
	5	Water rent.....			6,869.80	147,589.16
	7	Fees for issuing certified copies of documents.....	1,641.00	1,592.00	1,450.00	1,591.50
	10	Care of farmers' horses arriving at the market.....	4,052.95	3,705.66	4,653.47	3,908.22
	11	Privilege of chairs in the park.....	3,996.00	3,966.00	3,996.00	3,996.00
	12	Tax on horses used for pleasure.....	5,466.67	14,769.97	14,040.00	14,670.00
	13	Carriages at promenade during carnival inside of the parks.....	80.00	140.00	190.00	250.00
	14	Municipal stamps.....	3,792.87	3,107.23	3,528.25	2,675.61
3	17	Hard coal and coke.....	40,768.88	43,106.95	43,476.02	42,333.82
	18	Licenses for the use of firearms and for hunting purposes.....	201.99	296.74	172.00	147.75
	19	Consumption of lumber and firewood.....	9,713.80	10,392.50	8,412.74	9,556.20
	21	Licenses to factories and stores.....	31,259.85	32,954.46	30,193.64	30,039.46
	22	Advertisements and signs.....	6,069.93	5,452.35	5,511.99	5,710.50
	23	Bromatological analysis.....		12.75	40.00	22.87
	4	Proceeds to San José Asylum.....	5,671.58	4,575.92	4,357.30	2,933.92
	4	Proceeds Municipal Hospital.....				
	5	Proceeds of legacies of Romualdo de la Cuesta.....			138.50	2,237.90
	6	Proceeds jail and other dependencies.....	10,996.89	25,418.85	24,936.66	17,387.68
6	1	Proceeds on loans.....	2,339,860.57	2,791,400.00	831,364.47	362,637.51
	3	Sale or occupation of lands.....	3,338.98	18,062.93	274.30	57.00
	10	Fines and misdemeanors.....	7,984.00	7,099.00	4,196.50	4,066.50
	12	Repairs of sewers and sidewalks.....	1,481.75	1,588.02	1,140.22	2,171.00
	13	Repairs public roads.....	4,359.90	13,134.18	22,337.73	12,816.82
	14	Personal permits (Cédulas).....	12,925.35	19,319.48	19,529.62	
	15	City tax on certain industries.....		52,065.68	48,449.85	77,866.34
	17	Consumption of meat.....	128,198.44	676,314.00	695,962.78	671,890.65
	18	Cash, deposited in municipal treasury.....				
	19	Receipts from other Ayuntamientos for electoral expenses.....				
8	1	Eighteen per cent on land tax.....		171,941.96	181,194.00	140,500.00
	2	Twenty-five per cent on industry and commerce.....		136,506.82	169,489.15	152,636.52
9	1	Cash balance on Dec. 31, 1896.....				
	2	Balance due for collection from previous budget.....	188,559.56	4,391,272.63	411,909.68	58,826.90
10	5	City tax on certain industries.....	96,466.88			
		Total.....	3,514,064.16	8,698,323.68	2,839,357.05	2,045,933.75

APPENDIX D.

the city from July 1, 1889, to January 1, 1899.

1893-94.	1894-95.	1895-96.	1896-97.	1897-98.		1898 to Jan. 1, 1899.	
Currency.	Currency.	Currency.	Currency.	Currency.	Bills.	Currency.	Bills.
\$100,082.57	\$139,065.33	\$157,626.16	\$162,231.20	\$91,173.80	\$92.88	\$69,405.72	
17,887.78	18,944.12	15,002.10	11,630.11	10,282.51		1,709.19	
110,595.91	132,368.31	138,725.72	156,861.74	117,357.30		1,964.24	
40,568.00	58,132.63	117,529.47	259,329.95	188,322.12	901.60	144,756.90	\$2,658.71
2,386.00	2,198.00	1,836.00	1,936.70	1,213.00		537.00	
2,184.77	2,941.09	2,711.05	753.05	581.83	79.95	226.41	
3,996.00	3,996.00	3,996.00	4,245.75	2,676.11	1,752.03	1,737.41	
15,511.00	15,721.02	13,442.00	9,534.09	7,886.25	240.37	5,362.20	
20.00							
3,287.74	2,875.66	2,743.21	2,661.49	1,870.97	117.78	439.37	
42,050.92	42,031.20	42,031.94	47,430.12	30,392.98	21,032.91	15,402.64	
75.25	43.50						
9,617.75	9,630.00	9,609.90	6,392.23	3,676.08	718.73	2,551.10	
31,480.95	31,251.24	24,570.45	30,592.63	18,298.44	1,386.10	5,592.90	
6,598.90	7,305.90	8,101.91	6,450.98	3,001.96		5,805.87	
27.00	46.00	26.20	57.25	5.30			
2,794.20	1,561.75	806.08	722.33	643.06		264.60	
			1,339.92	818.50		321.67	
582.90	1,087.60	2,098.80	615.49	551.10			
24,474.31	14,402.70	22,027.79	85,513.65	5,118.59	930.28		
230,600.00				196,816.95		10,000.00	
4,987.50	7,800.97	3,930.00	3,614.37	2,960.13		40.00	
4,707.00	4,621.00	2,678.00	5,694.62	1,489.00	11.54	352.00	
22,193.05	9,592.24	3,849.03	5,508.54	7,080.31	355.25	554.96	
28,257.32	9,261.38	100,194.10	88,067.67	21,901.79	41,578.00	25,717.77	1,507.84
	14,270.28	11,982.91	16,092.49	2,798.29	3,617.55	690.14	
105,935.11	110,034.26	102,106.77	98,930.62	81,614.27	16,418.76	45,958.54	
684,982.88	659,668.06	659,803.20	709,382.08	382,115.55		130,836.45	
			12,417.09				
			1,525.25				
147,128.63	153,168.43	189,028.15	228,292.21	170,769.14	50,379.13	63,245.42	
202,072.46	206,745.85	236,528.42	259,605.69	176,482.97	85,943.85	56,771.84	2,940.15
			112.05				
199,791.03	214,115.13		163,379.03	65,014.39	14,711.98		
2,075,406.93	1,872,879.65	2,095,030.81	2,384,220.06	1,593,242.69	243,298.69	592,016.58	7,106.70

APPENDIX E.

City expenses from January 15 to December 31, 1899.

	United States currency.	Spanish gold.	Spanish silver.
By Salary in secretary's department	\$39,406.47	\$10,881.64	.....
Salary in auditor's department	18,496.33	4,896.90	.....
Salary in cashier's department	4,145.00	965.52	\$7.77
Salary in collector's department	9,526.31	.....	.....
Commissions on collections	14,179.43	4,651.49	11,141.58
Mayor's office, deputy mayors, and alcaldes de barrios ..	22,366.22	10,496.41	615.55
Corporation counsels	2,700.00	581.83	15.55
City police:			
Salaries	336,813.68	117,866.74	.....
Material	56,212.15	10,559.04	20.36
Rural police:			
Salaries	59,763.76	15,546.35	40.00
Material	18,096.47	1,256.98	40.04
Old municipal police:			
Salaries	150.00	9,748.90	1,141.82
Material .....	.....	83.60	328.18
Parks and driveways:			
Salaries .....	.....	397.00	67.05
Material .....	.....	.....	94.00
Slaughterhouses:			
Salaries	17,383.50	4,161.09	1,917.08
Material	5,689.21	3,641.87	94.72
Public charities .....	.....	1,509.66	377.40
Aldecoa Hospital .....	.....	667.35	.....
Mercedes Hospital	4,996.62	9,512.28	1,143.52
San José Asylum:			
Salaries	4,259.43	1,149.31	87.99
Material	7,138.90	6,867.04	1,144.80
La Misericordia Asylum .....	.....	716.65	33.32
Sending reconcentrados home	194.40	386.38	.....
Supplies to sick poor .....	.....	2,462.94	615.73
Sanitary service:			
Salaries	22,299.51	489.15	.....
Material	9,249.59	4,653.78	212.13
Penal institutions:			
Salaries	16,013.33	2,900.65	16.50
Material	47,241.14	23,107.69	1,379.60
Fire department:			
Salaries	5,855.37	1,616.59	112.09
Material	3,519.59	7,362.73	298.99
Appropriation to firemen "del Comercio"	1,090.00	.....	.....
Municipal works:			
Salaries .....	.....	572.16	184.18
Material .....	.....	165.15	168.30
Public instruction:			
Salaries	13,345.00	11,600.53	876.13
Material	450.99	9,660.60	1,545.51
Market employees	1,802.32	120.00	.....
Material for markets	17.00	.....	.....
Inspectors .....	.....	45.00	.....
Deposits and taxes returned	2,478.33	19,633.40	114.02
Unforeseen expenses	22,777.63	23,671.88	8,003.99
Servants	4,224.41	1,318.33	.....
Rewriting old documents .....	.....	125.00	.....
Repairing buildings	211.97	1,106.13	184.70
Stationery for offices	8,929.70	3,709.47	402.85
Annual ground rents .....	.....	804.30	174.82
Street cleaning .....	.....	500.08	56.52
Parish clocks .....	.....	23.12	5.78
Brokerage .....	.....	.....	2.44
Public lighting	71,256.22	28,768.72	4,791.24
Goods and furniture	5,468.45	1,728.40	67.07
Notes due	4,730.57	11,000.00	.....
Expenses in lawsuits .....	.....	328.70	.....
Petty expenses	172.76	455.00	125.00
Pensions	8,939.48	1,314.76	37.40
Rent of schoolhouses	241.61	8,883.70	465.48
General Ludlow—paid by his order	6,389.39	5,641.03	.....
Loan of \$3,000,000	23.14	240,070.20	.....
Depreciation in currency	454.26	.....	.....
Dog-license tags	185.45	.....	.....
Dog pound	767.91	97.00	55.80
Legacy of Romualdo de la Cuesta	328.68	208.00	.....
Fines for arrears	105.56	.....	.....
Results from previous estimates	14,965.05	6,190.41	1.90
Expenses for festivities .....	.....	81.00	.....
Spanish Bank	9,967.62	507,384.83	2,474.19
Total	900,022.90	1,144,294.16	30,682.14

¹ Plus \$1.27 in Spanish Bank bills.*Total reduced to Spanish gold, \$2,162,212.20.*

APPENDIX F.

City income from January 15 to December 31, 1899.

	United States currency.	Spanish gold.	Spanish silver.
To Tacón market.....	\$1,265.59	\$643.00	\$109.49
Cristina market.....		50.00	
Care of horses at markets.....	642.81		186.49
San José Asylum.....	320.00	144.00	82.15
Aldecoa Hospital.....		154.05	3.45
licenses.....	41,637.71	4,310.43	892.69
licenses on alcohol.....	10,603.76	13,462.80	3,319.24
lines.....	71,441.00		
lines for arrears.....	27,391.60	996.10	1,217.96
rent and sale of lands.....	158.34		
ground rents.....	584.29	150.70	6.07
lease of Clenaga ground.....	121.88	376.77	26.91
ground rent of Clenaga.....		4,556.18	
city real-estate taxes.....	26.00		
rural real-estate taxes.....	234,823.33	30,500.92	7,260.64
dog licenses.....	1,015.88		
dog-license tags.....	7,083.50		
tax on slaughtering.....	715.00		
municipal yard.....	92,358.52	1,377.21	
yard tax.....	104.67	31.84	3.28
cattle registry.....	121.00		
fine cattle.....	1,573.05		
consumption of meat.....	1,430.00	1,075.50	209.50
industrial tax.....		76,097.70	92.80
tax on coal.....	241,846.72	38,006.97	9,764.50
tax on lumber and firewood.....		6,401.34	
municipal stamps.....		1,028.16	
certificates.....	52.25		132.50
sewers.....	674.00	76.40	43.60
water service.....	4,722.21	1,300.55	231.65
street vendors.....	15,031.55	4,937.30	610.78
tax on chairs in parks.....	1,064.00	3,581.74	926.48
penal institutions.....	333.25	3,482.49	183.26
municipal works.....	1,303.56	505.10	517.12
reimbursements.....		178.12	45.21
legacy of Romualdo de la Cuesta.....	1,213.37	5,971.11	53.34
cleaning of cesspools.....		540.00	
results of previous estimates.....	3,020.00		
Spanish Bank.....	166,065.03	3,725.31	
extraordinary receipts.....	89,500.99	368,049.95	79,406.54
General Ludlow, for municipal uses.....	3,144.28	2,555.18	151.54
	439,431.22	97,775.61	
Total.....	1,460,910.39	672,050.53	105,477.19

Total reduced to Spanish gold, \$2,374,940.31; excess of income over expenses, \$212,728.11.

REPORT OF BRIG. GEN. WILLIAM LUDLOW, U. S. A.

APPENDIX G.

List of bonds, \$7,000,000 loan, issued by Spanish Bank.

Date.	Number of bonds.	Their numbers.	Value.	Issued for—	Number of coupons issued.
Apr. 22, 1889	3,777	1-31777	\$3,177,700	Debt of bank	200
June 30, 1890	773	31778-32550	69,570	Canal	196
Sept. 30, 1890	477	32551-33027	42,330	do	195
Dec. 30, 1890	1,793	33028-34820	161,370	do	194
Mar. 30, 1891	4,729	34821-39540	421,800	do	193
June 30, 1891	4,326	39541-43866	389,540	do	192
Sept. 28, 1891	1,988	43867-45851	178,920	do	191
Oct. 10, 1891	186	45855-46010	16,740	do	190
Oct. 28, 1891	214	46041-46284	21,970	do	190
Nov. 18, 1891	123	46285-46407	11,070	do	190
Nov. 27, 1891	252	46408-46659	22,680	do	190
Dec. 20, 1891	237	46660-46896	21,330	do	190
June 14, 1892	458	46897-47351	41,220	do	189
June 29, 1892	159	47355-47513	14,310	do	189
Feb. 24, 1892	285	47514-47798	25,650	do	189
Mar. 4, 1892	568	47799-48366	51,120	do	189
Apr. 1, 1892	584	48367-48950	52,560	do	189
Apr. 8, 1892	636	48951-49586	57,240	do	189
May 3, 1892	1,764	49587-51350	158,760	Canal	188
June 2, 1892	983	51351-52333	88,470	do	188
June 30, 1892	520	52334-52853	46,800	Expenses	200
Sept. 30, 1892	5	52854-52858	450	do	199
June 30, 1890	408	52859-53266	36,720	do	198
Sept. 30, 1890	20	53267-53286	1,800	do	198
June 30, 1891	3,170	53287-56456	285,300	Old bonds	197
June 9, 1892	770	56457-57226	69,300	Canal	196
June 14, 1892	37	57227-57263	3,330	Expenses	196
July 1, 1892	379	57264-57642	34,110	Canal	196
July 15, 1892	150	57643-58092	40,500	do	196
Aug. 1, 1892	372	58093-58411	31,680	do	196
Sept. 7, 1892	188	58415-58932	16,920	do	196
Oct. 5, 1892	215	58933-58817	31,110	do	196
Oct. 28, 1892	209	58818-59056	18,810	do	196
Nov. 8, 1892	438	59057-59491	39,420	do	196
Nov. 18, 1892	19	59495-59513	1,710	Expenses	196
Dec. 13, 1892	220	59514-59733	19,800	Canal	196
Dec. 21, 1892	132	59734-59865	11,880	do	196
Feb. 5, 1893	135	59866-60000	12,150	do	196
July 1, 1889	577	60001-60577	51,930	Redemption, etc.	199
Oct. 1, 1889	574	60578-61151	51,660	do	198
Jan. 1, 1890	588	61152-61739	52,920	do	197
Apr. 1, 1890	166	61740-61905	14,940	do	196
July 1, 1890	186	61906-62091	16,740	do	196
Oct. 1, 1890	515	62092-62606	46,350	do	194
Jan. 1, 1891	535	62607-63141	48,150	do	193
Apr. 1, 1891	357	63142-63498	32,120	do	192
July 1, 1891	652	63499-64150	58,640	do	191
Oct. 1, 1891	761	64151-64914	68,760	do	190
Jan. 2, 1892	86	64915-65000	7,740	do	189
Feb. 8, 1893	64	65001-65064	5,760	Canal	185
Feb. 11, 1893	6	65065-65070	540	Expenses	185
Feb. 13, 1893	230	65071-65390	20,700	Canal	185
Feb. 21, 1893	97	65391-65397	8,730	do	185
Mar. 3, 1893	20	65398-65417	1,800	do	185
Mar. 21, 1893	28	65418-65445	2,620	Expenses	185
Apr. 18, 1893	418	65446-65863	37,620	Canal	184
Apr. 28, 1893	707	65864-66570	63,630	Expenses	184
July 18, 1893	15	66571-66585	1,350	do	183
Do.	503	66586-67088	45,270	Canal	183
Aug. 9, 1893	73	67089-67161	6,570	do	183
Sept. 7, 1893	44	67162-67205	3,960	do	183
Sept. 21, 1893	94	67206-67299	8,460	do	183
Oct. 14, 1893	33	67300-67332	2,970	do	182
Sept. 29, 1897	600	67333-67932	51,000	do	167
May 7, 1898	2,068	67933-70000	206,800	Ayuntamiento	64



INDIA PARK. OLD BRICK CURBING AROUND TREES. JANUARY 1, 1900.



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INDIA PARK. OLD RAISED BEDS. JANUARY 1, 1900.



CENTRAL PARK. GENERAL VIEW, LOOKING EAST. APRIL 1, 1900.



CENTRAL PARK. RAISED BEDS. APRIL 1, 1900.



CENTRAL PARK. NORTHEAST CUARTÓN. APRIL 1, 1900.



CENTRAL PARK. NORTHWEST CUARTUN. APRIL 1, 1900.

APPENDIX G.

List of bonds of \$7,000,000 loan issued by the Spanish Bank.

SUMMARY.

Number of bonds.	Their numbers.	Value of issue	Issued for.
31,777.....	1-31777	\$3,177,700	Debt of bank.
26,220.....	31778-52383 56457-57226 57264-59494 59514-60000 65001-65064 65071-65417 65446-65863 66586-67982 68284-68286 67227-67263 59495-69613 65065-65070 65418-65445 65864-66586	2,359,800	Canal.
1,766.....	59287-66456 67983-70000 60001-65000	158,860	Expenses.
3,170.....		285,300	Canal bonds.
2,068.....		206,800	Ayuntamiento.
5,000.....		450,000	Redemption, etc.

APPENDIX H.

Office of the Audencia Territorial of Habana, Francisco de Castro y Flaquer, notary public. No. 501.—Abstract of the terms of the agreement for loan and issue of bonds secured by the mortgage of certain properties and the revenues derived therefrom, entered into by the city council of Habana and Ramon Arguelles y Alonso, for the firm of R. Arguelles & Co., and others. Habana, May 26, 1890. No. 22 Empedrado street, Habana.

Terms of the agreement for raising a loan and issuing bonds, secured by mortgage of certain properties and the revenues derivable therefrom.

At the city of Habana, on May 26, 1890, before Francisco de Castro y Flaquer, notary public, appeared Laureano Pequeño y Gonzáles, the mayor, and Marcos Canales y Corrales, the assistant city attorney, as representatives of the city council, and Ramon Arguelles y Alonso, a member of the firm of R. Arguelles & Co., for himself and other holders of certificates representing bonds of the city council to the value of \$202,330.80.

Whereupon the mayor states:

First. That on October 5, 1888, Francisco Gamba, R. Arguelles, and Fractino Garcia, for himself and Joaquin Gutierrez, Antonio Aben, and Francisco Barrea, all holders of coupon bonds or otherwise creditors of the city, submitted a proposition to the city to the effect that the holders of the said coupon bonds of the issue of 1880 and the other creditors of the city, with the exception of the Spanish Bank of Cuba, would surrender their bonds and the coupons thereof falling due not later than June 30, 1889, and their other claims, less 30 per cent of their face value, in exchange for a new issue of second-mortgage bonds of \$100 each to the amount of \$3,000,000 and payable to bearer, and the exercise of the right to accept the new bonds in payment of their claims being entirely optional on the part of the creditors.

Second. That a committee appointed by the city for the purpose of considering the above propositions reported to the city council on November 22, 1888, the conditions of the loan which, in its opinion, should be accepted by the city council and then be presented as required by the royal decree of June 3, 1888, to the city junta and the governor-general for their approval.

Third. The city council, after considering the conditions recommended by the said committee, expressed its approval thereof and decided that in view of the fact that the debt which it was proposed to bond amounted to nearly \$3,500,000, the loan should be for the said amount, and that notice of its decision should be given to the creditors who had submitted the above proposition.

Fourth. That certain of the members who had joined in submitting said proposition did not approve of above modifications of the amount of the proposed loan, and, on November 30, 1888, withdrew their proposals.

Fifth. That the said junta, after considering the matter of the loan at sessions held on November 30 and December 1, voted, in view of certain arguments advanced by the mayor, to approve of the loan of \$3,000,000, on the conditions accepted by the city council on November 22, preceding.

Sixth. That on January 28, 1889, those holders of the bonds and claims who had protested against the increased amount of the loan, proposed by the city council, withdrew their protest and ratified the plan.

Seventh. That on September 19, 1889, the city council was authorized by the counsel of the administration to issue bonds to the amount of \$3,000,000 on the conditions approved by the said junta, for the purpose of paying off the bonds of the issue of 1880, then in circulation, and other creditors who should desire to receive bonds in exchange for their claims, with the recommendation that it should arrange with the Spanish Bank to carry out the loan, or with some other person or institution, if the Spanish Bank did not care to undertake the task.

Eighth. That accordingly the city council voted on December 3 last to publish the conditions of the loan of \$3,000,000 as approved by the governor-general on September 19. (Official Gazette of September 25.)

Ninth. That at the same time the city corporation voted to publish a notice calling upon those holders of the bonds of 1880, who should desire to exchange them for new bonds, to deposit them within ninety days after the publication of such notice in the Gazette and Official Bulletin, with the statement, signed and sealed, that they were "Presented to the ayuntamiento for exchange for mortgage bonds of the issue of July 1, 1889," and to receive in exchange therefore negotiable certificates stating the amount of the new bonds to which the holders were entitled; and also to publish a notice calling upon the other creditors of the city, who desired to exchange their claims for bonds, to present their obligations within ninety days, with the statement that they desired payment thereof in accordance with the conditions of the loan on the understanding that as soon as their claims had been passed upon and adjusted they should receive the bonds if they were ready, and if not, certificates which could later be exchanged for bonds.

Tenth. That the notices referred to in the last section, as well as the conditions of loan set forth in section 8, were published in the Gazette of December 22, and in the Official Bulletin No. 151 of 1889, as ordered by the mayor on December 19, 1889.

Eleventh. That, as the holders of the bonds and other creditors of the city, representing more than 50 per cent of the proposed loan of \$3,000,000, had presented their claims for payment with the bonds of the proposed issue, it was agreed to proceed on the following lines:

1. The city council shall issue second-mortgage bonds of \$100 each to the amount of \$3,000,000, which shall be redeemable by drawings made quarterly during a period of fifty years. The bonds shall be payable to bearer, serially numbered, and shall bear 200 interest coupons, payable quarterly on the last days of June, September, December, and March of each year at the rate of 6 per cent per annum. So far as possible they shall be similar to the bonds issued under the loan of \$6,500,000, approved by the governor-general on September 24, 1889; that is to say, they shall be similar in size and general form and shall be engraved on steel at one of the best bank-note houses, but shall be of different color and have different vignettes.

2. The bonds drawn quarterly for redemption, and the interest coupons when due, shall be paid at the cities of Habana, Madrid, Paris, London, and New York, without any discount by reason of the difference in exchange, and the following rates in the three cities last named, viz, dollar for dollar, one pound sterling for every five dollars, and five francs for a dollar.

3. The object of this issue of bonds is the redemption of the issue of bonds of November 1, 1880, as are now in circulation, and the coupons which have already fallen due or shall fall due not later than June 30, 1889, and the bonding of all the floating debt of the city; this form of payment, however, being entirely optional on the part of the holders of the bonds and the other creditors of the city. The second mortgage bonds shall be rated at par, and shall be delivered to such of the above creditors who have agreed to accept them in payment of their claims, less a deduction of 30 per cent of the amount thereof, and to all others who desire to take advantage of this proposition.

4. The total amount of the bonds of this loan is secured by a second mortgage on the Vento or Albear Canal, the Aqueduct of Ferdinand VII, the Cristina, Colon, and Tacon markets and their revenues, and also the revenues of the slaughterhouses; it being understood that the revenues of the slaughterhouses pledged are those set forth in paragraph 2 of section 5 of the agreement for the loan of \$6,500,000, except as provided in paragraph 3 of said section. And in case the above are not sufficient to meet the present loan after satisfying the obligations of the prior loan, the city

I further pledges the revenues of the additional city tax upon the special State al recargo municipal sobre el impuesto urbano).

he new bonds shall be accepted by the city council for all kinds of securities. id bonds shall bear date as of July 1, 1889, and interest shall begin to run on te. If for any reason the bonds should not be ready to deliver to those creditors ave made application for them, or who shall make such application within riod fixed by the city council, they shall, nevertheless, be delivered with all pons thereto belonging. The city council shall draw the bonds for redemption manner set forth in the section relating thereto, but it reserves the right to a larger number than therein provided for, either by drawings or direct

he drawings for the bonds for redemption shall be public and shall take place Sala Capitular at least a month before the end of each quarter, and the result e drawings shall be published by the city council in Habana and in the other ntioned. The bonds drawn for redemption at each quarter must be pre- for payment, together with all the coupons which do not fall due until after e of redemption thus determined by lot, and accordingly the bonds so drawn mption shall not bear interest after said date, even though they are not then ed for payment.

he mortgage given to secure this loan shall be canceled when the proper city shall certify that all the bonds have been drawn for redemption, and that a money has been deposited sufficient to pay all those which have not been ed for payment.

these conditions shall be set forth in a written agreement, and all the expenses d on account of the loan, including the cost of executing the agreement, shall red to the account of the city council.

lfth. That the mayor, as the representative of the city council, binds itself to fillment of each and every of the obligations contracted by the city corporation various clauses of the preceding section.

teenth. That to secure the said sum of \$3,000,000, and interest thereon at the 6 per cent per annum, the city council, according to the provision of clause 4 above section 11, gives a second mortgage upon the following estates, which it s to be its exclusive property, viz, the Vento or Albear Canal for \$2,307,600 al, and the interest thereon; the Aqueduct of Ferdinand VII for \$4,230 al, and the interest thereon; the Cristina Market for \$46,154 principal, and the t thereon; the Tacon Market for \$438,461 principal, and the interest thereon, e Colon Market for \$138,465 principal, and the interest thereon.

ention is made of any sum for costs and sealed paper, for the reason that no security than that above stated is given.

second mortgage covers the water tax and all the revenues of said properties, enues of the slaughterhouses being given to secure generally the whole amount loan, it being understood that the revenues herein pledged include not only ent revenues of the above properties and slaughterhouses, but also such as e received by the city after the concession of the use or exploitation of the is has terminated, and that the mortgage on the canal, aqueduct, and markets all additions or improvements thereon. And it is further understood that if stina Market, or either of the other two markets, should be removed to another nder the same or a different name, the mortgage shall extend itself to the new ; and that, in case the above properties and revenues should not be sufficient t the present loan of \$3,000,000 after satisfying the obligations of the \$6,500,000 ncluded with the Spanish Bank of Cuba, April 22, 1889, the city council fur- idges the receipts of the additional city tax upon the State tax.

teenth. The following is a description of, and a statement regarding, the

at public sale to José Salas y Bordas, the terms of the award being that the said Salas should have the use of the market for three years free of charge, and for twenty-seven years, seven months, and seven days at a rental of \$20,500 per year, payable monthly. The contract was approved by the city council on the 8th of the same month. Thereafter the said Salas made a request that he should be allowed the use of the market for an additional two years free of charge, in consideration of which he would give up the last seven years of the term for which he was to pay a rental of \$20,500 per year; and this proposition was accepted by the city council on October 22, 1883. The original award, as thus modified, was approved by the Governor-General on May 30, 1884. On July 22, 1884, the contract was assigned by said Salas to Serafin de León, with the approval of the city council.

2. By contract dated January 31, 1882, the city council contracted with the firm of Tabernilla & Nephew for the reconstruction of the Colon Market, granting that firm in payment of the work the use of the market for the term of twenty-five years on payment to the city, after the first six years, of an annual rental of \$10,000. The contract provided that the work of reconstruction should be finished within three years after the land was turned over to the concessionaries, and this was done on March 22, 1882. The work of reconstruction was completed April 17, and the market was opened on May 1, 1884, and so the concessionaries had to pay rent from May 1, 1884, to March 23, 1885, when the three years allowed them for the work expired and the six years during which they were to have the free use of the market began to run. As, however, the work on the foundations proved unexpectedly difficult, it was agreed in writing under date of December 13, 1888, that the term of free use of the market should be extended for three years, one month, and twenty-seven days, and that for the use of the market at the rental agreed upon for ten years and twenty-seven days, making a total extension of thirteen years, two months, and twenty-four days. Accordingly the concessionaries should begin to pay rent monthly on May 20, 1894, and should continue to pay the same until May 28, 1923, when the concession terminates.

3. By writing dated June 11, 1890, the city council made a contract with Alfonso Suárez and José Múzquiz for the reconstruction of the Tacon Market, granting them in payment for the work, the use of the market and the revenues derivable therefrom for a term of thirteen years, nine months and twenty days on payment to the city monthly, of a rental of \$70,000 per year. This agreement is now binding upon the firm of Suárez, Múzquiz & Co. As this market was opened on January 6, 1881, the concession granted by the agreement will terminate on October 25, 1894, and the city council should then assume control of the market.

PRESENT INCUMBRANCES ON THE MORTGAGED PROPERTIES AS SHOWN BY THE REGISTRAR'S CERTIFICATES.

1. The Vento Canal and the Aqueduct of Ferdinand VII, together with other properties, were mortgaged by the city council to the Spanish Bank of Cuba for the sum of \$3,177,653.25 by deeds dated March 20 and August 24, 1869; June 24, 1871, and November 12, 1872, in which the city council bound itself to pay the said sum in ten equal installments on the 30th day of June of each year from 1884 to 1893, inclusive, with interest at 6 per cent per annum. The mortgage created by said deeds are still in force, as set forth in the deed of February 26, 1879, duly registered on February 13, 1885.

2. There are the following charges upon the estate known as San José or "Retiro de Vento," where the springs which feed the Vento Canal are located, viz: \$6,125 in favor of the Monastery of Santa Clara, \$4,000 in favor of the Convent of San Francisco, \$1,000 in favor of said convent, \$500 in favor of the Convent of San Augustin, \$192.40 in favor of the Convent of San Francisco; \$437.40 in favor of the Maternity Hospital, \$10,000 in favor of the Temporalidades, \$10,000 in favor of the seminary, \$202.40 in favor of the city, \$1,500 in favor of the Priest Arriola, \$1,000 in favor of the Rev. Miguel de Estrada, and \$1,221.40 in favor of Dr. Santa Cruz.

3. The Tacon Market, with other property, is mortgaged to the Spanish Bank for the said sum of \$3,177,653.25 by the said deed of February 26, 1879. The use of the said market has been granted to Alfonso Suárez and José Fermín de Múzquiz until October 25, 1894, as above set forth.

4. The Colon Market, with other property, is mortgaged to the Spanish Bank for the said sum of \$3,177,653.25 by the said deed of February 26, 1879. The use of this market has been granted to the firm of Tabernilla & Nephew as above set forth.

5. The Cristina Market, with other property, has been mortgaged to the Spanish Bank for the above-mentioned sum of \$3,177,653.25. It also appears that the rents of the stalls in this market were mortgaged in 1855, but this mortgage was paid off by the city council in 1855 and 1856.



To the above incumbrances must be added the mortgage given to the Spanish Bank by said deed of April 22, 1889, for the sum of \$6,500,000, distributed as follows, viz: \$5,000,000, gold principal, the interest thereon, and \$30,000 toward costs on the Vento or Albear Canal; \$150,000 principal, the interest thereon, and \$3,000 toward costs on the Aqueduct of Ferdinand VII; \$100,000 principal, the interest thereon, and \$3,000 toward costs on the Cristina Market, said sums being equally distributed among the various pieces of property constituting said market; \$950,000, gold principal, the interest thereon, and \$10,000 toward costs on the Tacon Market; \$300,000 principal, the interest thereon, and \$4,000 toward costs on the Colon Market.

Fifteenth. Although there can be no doubt as to the rights acquired under the first mortgage given to the Spanish Bank by deed of April 22, 1889, yet to carry out the formalities required by sections 24 and 26 of said deed the creditors of the city hereby recognize the preference and priority of the mortgage thereby given and of the other stipulations therein contained, and a special note of this section shall be made on the records of the respective registers of deeds.

Sixteenth. The mortgage hereby given to secure this loan shall be canceled when the proper municipal officers certify that all the mortgage bonds have been redeemed or that a sufficient sum of money has been deposited to meet the payments of those which may have been drawn for redemption but not presented for payment.

Seventeenth. Ramon Arguelles states that he accepts, for himself and for those whom he represents, the present agreement and all the provisions thereof, and bonds himself and them to carry out the present contract so far as it concerns them.

Eighteenth. The parties designate this city as the place in which all notices and citations shall be given or made, and where all proceedings arising under this agreement, judicial or otherwise, shall be prosecuted. The right of the city, province, and State to the last annual tax assessed on, but not paid by, the properties herein mortgaged, which has priority over the claims of any other creditor, is hereby expressly reserved according to the provisions of the law in such case being provided.

(The notary here certifies that the instrument is executed by the principals in due form of law.)

Recorded at Habana on July 2, 1890, and at Bejucal July 8, 1890.

APPENDIX I.

Copy of bond of second mortgage of \$3,000,000.

Isla de Cuba, Ayuntamiento de la Habana. Empréstito de \$3,000,000 acordado por la Junta Municipal de la Habana.

Autorizado conforme á la R. O. de 3 de junio de 1880 y á la Ley Municipal de 30 de junio de 1878, previo informe de la Diputación Provincial de la Habana, y de conformidad con lo consultado por el Excmo. Consejo de Administración de la Isla por resolución del Excmo. Sr. Gobernador General de la Isla de 19 de Septiembre de 1889, publicada en la Gaceta Oficial de la Habana el 25 del propio mes y año.

OBLIGACIÓN HIPOTECARIA No. —

Capital 100 pesos (Pesetas 500), (Fcos. 500), (£20), (Dollars 100). Renta anual, 6 pesos: (Pesetas 30), (Fcos. 30), (£1½), (Dollars 6).

Obligación hipotecaria de \$100 domiciliable en la Habana, Madrid, Paris, Londres, y New York; grantizada con la segunda hipoteca sobre el Canal de Vento (hoy Albear), el Acueducto de Fernando VII y los mercados de Cristina, Colón y Tacón de la propiedad del Ayuntamiento de la Habana, así como con los productos de los rastros y subsidiariamente con los recargos municipales sobre la contribución territorial urbana que se afectan especialmente en este empréstito.

El portador de esta obligación hipotecaria de cien pesos, tiene derecho al interés anual de 6 por ciento ó sean: (Pesetas 30) (Francos 30) (£1½) (dollars 6), pagaderos por trimestres vencidos en 1.º de octubre, 1.º de enero, 1.º de abril y 1.º de julio de cada año y la amortización del capital que se verificará por sorteos trimestrales en el plazo de cincuenta años, según el cuadro inserto en esta lámina.

Habana, 1.º de Julio de mil ochocientos ochenta y nueve.

Por el Excmo. Ayuntamiento de la Habana: el Alcalde Municipal, el Síndico, el Contador, el Secretario.

On the back of the bond there is a translation of the above in French and English, the latter of which is as follows:

Mortgage bond for one hundred dollars, which can be made payable, capital and interest, in either Habana, Madrid, Paris, London, or New York, guaranteed by sec-

ond mortgage on the Canal de Vento (now of Albear), the Aqueducto of Fernando VII, and the markets of Cristina, Colon, and Tacon, properties of the corporation of the city of Habana; and also by the products of the slaughterhouses, and subsidiarily by the additional municipal charges on the city territorial tax, which are made special chargeable for the liquidation of this loan.

The bearer of this mortgage bond for one hundred dollars is entitled to the yearly interest of 6 per cent, that is (30 pesetas), 30 francos), (£1½, one pound four shillings sterling), (6 dollars), payable by trimonthly instalments falling due on the 1st of October, 1st of January, 1st of April, and 1st of July of each year, and to the refunding of the capital, which will be effected by means of trimonthly drawings by lot, within the period of fifty years, as shown in the table inserted in this bond.

APPENDIX J.

Convenio entre el ayuntamiento de la Habana y el Banco del Comercio, Ferrocarriles Unidos de Habana y Almacenes de Regla, acerca del servicio del empréstito de \$3,000,000.

En la Habana, á diez y siete de octubre de 1891, reunidos por una parte el Sr. D. Luis García Corugedo en su carácter de alcalde municipal interino de esta ciudad, en virtud de las facultades que le están conferidas por el Artículo 108 de la Ley Municipal y el Sr. D. Marcos Canales y Corrales, con el de Síndico del Excmo. Ayuntamiento de la misma, y por otra parte D. Ramón Argüelles y Alonso y D. Arturo Amblart, como presidente y secretario de la Sociedad anónima Banco del Comercio, Ferrocarriles Unidos de la Habana y Almacenes de Regla, en uso de la atribución que les concede el inciso 2 del Art. 52 del reglamento de dicha sociedad, convienen en que se levante esta acta para hacer constar lo que sigue: Que á virtud de convocatoria hecha por el ayuntamiento de esta Capital para que se hiciesen proposiciones con el fin de encargarse del servicio del pago de intereses del empréstito de tres millones de pesos descrito en la Gaceta de la Habana del 22 de diciembre de 1890, se hicieron por la sociedad proposiciones en 7 de septiembre de 1890 para hacer ese servicio, que fueron aceptadas por el ayuntamiento, con algunas modificaciones que se consignaron en los acuerdos de la sesión de 4 de noviembre del mismo año, y como esas modificaciones fueron á su vez aceptadas por la sociedad según se comunicó al ayuntamiento en 18 del propio mes de noviembre, y el acuerdo en tales terminos celebrado, fué aprobado por el Gobno. Gral. en 15 de enero de 1891, proceden ahora convenir en lo que sigue:

Primero. La Sociedad anónima Banco del Comercio, Ferrocarriles Unidos de la Habana y Almacenes de Regla, hecha previamente la provisión de fondos, el anuncio correspondiente por el Excmo. Ayuntamiento, pagará el cupón que se le ordene en el domicilio de su título, ya sea en la Habana, Madrid, New York, Londres ó Paris, y abonará así mismo las obligaciones hipotecarias que resulten amortizadas en los respectivos sorteos.

Segundo. Todos los gastos materiales del servicio serán por cuenta de la Sociedad contratante.

Tercero. El Excmo. Ayuntamiento abonará á la sociedad contratante únicamente los gastos de situación de fondos en los plazos citados y el cuatro por ciento de comisión sobre la ascendencia de todo lo pagado, siendo por consiguiente de cuenta de la expresada sociedad todos cuantos más gastos origine el servicio del empréstito en esta Isla y en las demas capitales donde sean domiciliadas las obligaciones hipotecarias.

Cuarto. La sociedad contratante rendirá cuenta justificada al Excmo. Ayuntamiento trimestralmente durante el trimestre posterior á lo que aquello pertenezca, ó sea cada trimestre de la relativa al anterior, con los cupones pagados y obligaciones amortizadas. Las cantidades son en depósito indisponible á todo fin que no sea el fin concreto á que se destinan.

Quinto. La Sociedad contratante se hará cargo del servicio del empréstito una vez hecha entrega de las láminas por los resguardos provisionales, existentes.

Sexto. Que aceptadas por la sociedad contratante las reglas acordadas por el Excmo. Ayuntamiento, en sesión de 21 de septiembre, que habrán de observarse para el cambio de domicilio de las obligaciones hipotecarias con fecha 1 de julio de 1889, y para la amortización y pago de intereses de las mismas por el Banco del Comercio, se consiguan á continuación las referidas reglas:

1. El cambio de domicilio de las obligaciones antedichas se solicitará por medio de instancia del Excmo. Sr. Alcalde Municipal, en que se expresará en letras el número de aquellas, el total de las mismas y la capital en que haya de registrarse el domicilio—Madrid, Paris, Londres ó New York.

2. La alcaldía municipal accederá á la solicitud y lo comunicará en seguida al

Banco de Comercio, tomando razón la contaduría municipal á sus debidos efectos y proveyendo al solicitante de un documento en que conste haberse registrado el traslado de las obligaciones hipotecarias, conteniendo los datos que se hayan expresados en la solicitud. Este documento lo presentará el portador en el Banco de Comercio con las obligaciones á que se refiera para que se sellen las obligaciones á su dorso con un sello fechador de tinta que diga: "Domiciliada en ——— [aquí el punto á que se haya traspasado] Habana la fecha del día."

3. No se podrá hacer el cambio de domicilio en la Habana en el tercer mes de cada trimestre, pero si se solicitare se concederá con la condición que el cupón próximo á vencer tendrá que cobrarse precisamente en la Habana, lo mismo que las obligaciones que hayan resultado amortizables en los respectivos sorteos.

4. Cuando están domiciliadas las obligaciones en cualquiera de las capitales indicadas y los tenedores de ellas quieren traspasarlas á otra de ellas ó á la Habana, deberá hacer una declaración escrita ante el agente del Banco de Comercio para atender al servicio del pago de intereses y amortización, cuya declaración hará en los mismos términos expresados en la regla primera.

5. Cuando en cualquiera de esas capitales se pida, dentro del tercer mes de cada trimestre, el cambio de domicilio de las obligaciones hipotecarias registradas, se entenderá con la condición de que el cupón próximo á vencer tendrá que cobrarse en aquella capital en que estuvieron domiciliadas en el resto del trimestre, lo mismo que las obligaciones que hayan resultado amortizables en los respectivos sorteos.

6. El día siguiente, á mas tardar, de verificado cada sorteo de obligaciones hipotecarias del empréstito de tres millones de pesos, comunicará la alcaldía su resultado al Banco de Comercio, expresándole, á la vez, el número total de obligaciones emitidas hasta esa fecha.

7. El Banco de Comercio, con visto de ese dato de las obligaciones que hubiesen sido domiciliadas en las capitales, hará á la Alcaldía Municipal el pedido de los fondos que aproximadamente considerare necesarios para el servicio del empréstito y su importe, que se librará seguidamente, se depositará en el banco según lo convenido.

8. El banco, antes de finalizar cada trimestre, avisará quedar abierto el pago por intereses y amortización desde el primero del mes siguiente para las obligaciones domiciliadas en esta Isla y en igual forma para las que estén en el extranjero y en Madrid, poniendo para ello los anuncios correspondientes en uno de los periódicos de cada capital respectiva.

9. El Banco de Comercio cuidará de que sus agentes usen un sello igual á lo expresado en la regla segunda para anotar en las obligaciones hipotecarias que les presenten sus tenedores los cambios de domicilio que ante ellos se verifiquen sin más variación que la respectiva al nombre de la capital.

10. Los agentes del Banco de Comercio en Madrid, Londres, Paris y New York habrán de comunicar á éste los cambios que hayan registrado en el domicilio de las obligaciones, y el banco los comunicará, sin pérdida de tiempo, á la Alcaldía Municipal á sus efectos.

11. El Banco de Comercio y sus agentes inutilizarán, con sello perforador que contenga en letras de un centímetro de tamaño y cinco centímetros de longitud, como la junta muestra, la frase "pagado" los cupones vencidos que satisfagan y las obligaciones amortizadas, cuya operación habrá de hacerse en el acto de efectuar el pago. También inutilizarán en el acto, con un sello de tinta que contenga la frase "nulo" los cupones por vencer de las obligaciones amortizadas. En cuyos términos acuerdan ambas partes que se cumplirá bien y fielmente por las entidades sus representados todo lo convenido con las costas, gastos, daños y perjuicios á que pudieran dar lugar por su falta de cumplimiento, y eligiendo los otorgantes esta Ciudad de la Habana para que en ella tengan lugar todas las citaciones, notificaciones y demás diligencias judiciales y extrajudiciales que pudieran originarse de este contrato. Y así lo firman en un doble ejemplar una para cada una de las representaciones otorgantes.

Luis G. Corugedo.

R. Argüelles

final

Guaxardo.

Marcos Canales.
Sr.

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APPENDIX K.

Quarterly statement of coupons in circulation and paid; \$5,000,000 loan.

FIRST PERIOD.—January 1, 1892, to March 31, 1897.

	Coupon number.					
	10	11	12	13	14	15
Maximum	29,395	29,365	29,345	29,315	29,285	29,255
Paid	28,547	28,516	28,477	28,382	28,329	28,842
Balance	848	849	868	933	956	413

	Coupon number.					
	16	17	18	19	20	21
Maximum	29,225	29,195	29,175	29,145	29,115	29,085
Paid	28,706	28,678	28,615	28,582	28,737	28,676
Balance	519	517	560	563	378	409

	Coupon number.					
	22	23	24	25	26	27
Maximum	29,055	29,025	28,995	28,955	28,925	28,885
Paid	28,695	28,527	27,105	29,210	28,410	28,440
Balance	370	498	1,890	1 255	515	445

¹ Overpaid.

	Coupon number.			
	28	29	30	31
Maximum	28,855	28,815	28,775	28,745
Paid	28,164	28,529	21,884	25,109
Balance	691	5,286	6,891	3,636

SECOND PERIOD.—April 1, 1897, to December 31, 1898.

	Coupon number.					
	32	33	34	35	36	37
Maximum	28,705	28,665	28,625	28,585	28,545	28,505
Paid	14,461	14,904	14,920	15,020	None.	None.
Balance	14,244	13,761	13,705	13,565	28,545	28,505

THIRD PERIOD.—January 1, 1899, to March 31, 1900.

	Coupon number.					
	38	39	40	41	42	43
Maximum	28,465	28,425	28,385	28,335	28,295	
Paid	28,425	28,385	28,355	27,881	25,062	
Balance	40	40	30	454	3,233	

Maximum total outstanding.....	144,187
Less overpayment No. 25.....	265
Total.....	143,922

AUDIT OF MUNICIPAL ACCOUNTS.

Upon the close of the calendar year 1899, steps were taken to make, by means of disinterested persons, a critical examination and audit of receipts and expenditures during the year of the several municipalities included in the Department of Habana, for the purpose of ascertaining if the conduct of the local authorities had been in conformity with the legal and authorized provisions.

Two boards of audit were appointed, one to investigate Regla, Guanabacoa, and Santa Maria del Rosario, the other Habana, including the Hospital, which, although a state institution, had been maintained by funds obtained through the Department of Habana.

The results are given in the accompanying reports by the two boards. In the case of the three minor municipalities, the accounts were verified, and the only irregularities found, for which the Cuban ayuntamientos were responsible, were certain unauthorized expenditures for what might be designated as "patriotic" purposes, subscriptions to journals of Cuban generals and like personal testimonials. The amounts were small, but in view of the poverty-stricken condition of the local communities, could not be justified, and communication was made to the governor for the purpose of requiring the amounts so expended to be returned to the account of the cities in question.

In Guanabacoa a defaulting cashier was arrested and vigorously prosecuted by the mayor, but escaped conviction after two trials of appeal in both the Guanabacoa court of first instance and the audiencia (or provincial court) in Habana.

In the case of Habana, the board, after a rigid investigation, made extremely laborious by the complicated system of Spanish accounting and the several changes made from time to time in the laws and methods of collections by decrees of the insular government, reports that, notwithstanding the confused system, the transitory and abnormal conditions, the inexperience of the Cuban officials, and the obvious possibilities of effecting great improvements and simplifications, both in practice and method, the administration of the city finances during the year had been carried on with undoubted honesty of purpose, with many improvements over the old Spanish system, and with credit to the officials who had been intrusted with the administration during such a long period; the expenses of the city had been well within the income from the receipts from the insular treasury were included; and no indication appeared of personal dishonesty on the part of any city employee.

I desire to add my own testimony in this respect, and to extend to the mayor of Habana, Mr. Perfecto Lacoste; the city attorneys, Messrs. O'Farrill and Fonts; the auditor, Mr. Nodarse; the treasurer, Mr. Osuna; the secretary to the council, Mr. Yznaga; and to the members of the council itself my sincere congratulations and recognition for the intelligence and fidelity with which, individually and collectively, they discharged the difficult labors and responsibilities intrusted to them.

The records show that the collections of incomes on city property were increased one-third in 1899 over those for the previous year, and in illustration of the serious complications encountered in administering the city finances two leading facts may be stated:

First. The abolition of the "ganado" or meat tax was decreed by

the insular government with the charitable purpose of decreasing the cost of meat to the public. The estimated loss of revenue to Habana, as stated in the report of the finance commission, was \$600,000 or \$700,000; but as a matter of fact the loss was nearly \$1,000,000, and this without advantage to the public, which has paid ever since a higher price per pound for beef than before the tax was abolished.

There were practically no food cattle in Cuba—the war had disposed of them—and the entire cattle import was in the hands of a few men, who controlled both trade and price and could charge what they pleased. The only beneficiaries of a well-intentioned but mistaken measure that cost the city of Habana a million dollars of urgently needed revenue, and the smaller communities corresponding sums, were the cattle dealers.

Second. It was more than surmised that the Spanish registry lists for taxation of properties were imperfect, and that a revision would not only correct errors, omissions, and other defects, but in all probability largely increase the city income. In any case it was desirable and important to have a revised assessment in order that the city should know accurately its own assets and basis of taxation. Instructions were given to the mayor to this effect, but the endeavor was blocked by an instruction from the state authorities that the registration and assessments of properties was a hacienda (state treasury) matter, and not at all within the jurisdiction or cognizance of the city authorities. This doubtless is the Spanish law, but it is typical of municipal dependence that the city of Habana should be forbidden to take means to ascertain definitely what were its own assets. It would have made less practical difference if the hacienda had done the work itself, but this was not the case, and matters stand in this respect as they existed prior to the American occupation.

It should be noted that the drawing from the insular treasury of the amounts required to meet the excess of current necessary expenditures over collections would have been unnecessary had the "ganado" tax been retained, and there is every reason to believe that the city revenues could have been materially improved in addition if the property and assessment rolls had been made complete and authentic.

Unless the hacienda intends permanently to finance the city, it is of the first importance to revise assessments and authorize the city, within proper limitations, to raise sufficient revenue for current expenses and to meet the additional requirements for sewers, paving, schools, and water supply.

Proceedings of a board of audit on the accounts of Regla, convened pursuant to the following order.

"CIVIL ORDERS, }
"No. 5.

"OFFICE OF THE MILITARY GOVERNOR OF HABANA,
"Habana, January 9, 1900.

"A board of audit is hereby appointed, to consist of the following persons: *Ms* J. F. Stretch, Eighth Infantry; Second Lieut. C. C. Carter, Second Artillery; *M* M. R. Suarez, general superintendent Cuban relief work.

"The duty of this board will be to make a thorough and accurate investigation the accounts of the ayuntamientos of Guanabacoa, Regla, and Santa Maria del Ros for the year 1899, examining into both the nature of the expenditures and the det thereof under the several heads, that it may be known that the disbursements by municipalities were in accordance with the laws and orders made for the organization of the municipal affairs; and that all receipts, from what accounted for.

... be made without delay, for which purpose

of the board of audit will assemble at 10 o'clock a. m. Wednesday, January 10, 1900, in the office of the military governor of Habana, for the purpose of organizing and upon the discharge of their functions.

Auditing of the accounts of the municipalities will include all the separate administration, and likewise the transactions or proceedings for the main- which funds have been furnished by the military governor of Habana.

Board of audit is authorized and empowered to call for persons and papers, and officials are enjoined to cooperate with and aid the board in the discharge of

Command of the military governor of Habana.

"H. L. SCOTT, *Adjutant-General.*"

HABANA, CUBA, January 20, 1900.

and met pursuant to the foregoing order, in the office of the military governor, at 11 a. m., January 10, 1900, was organized, received instructions, and upon the discharge of its duties.

and decided to write letters to the different mayors mentioned in the order, information as to when their accounts would be ready for inspection. Letter hereto attached and marked "A.")¹

January 13, 1900, a reply was received from the mayor of Regla stating that his office would be ready for inspection by the board on the 15th instant. (Copy of letter attached and marked "B.")

January 19 the board met at the office of the mayor of Regla and proceeded to make a rough examination of his accounts, which show the following statement:

American money.			
	Receipts.	Expenses.	Balance.
1899.			
.....	\$2,694.72	\$2,319.50	\$375.22
.....	2,116.78	1,099.15	1,392.85
.....	2,698.76	2,974.53	1,117.08
.....	7,982.05	7,740.48	1,358.65
.....	7,268.80	5,547.00	3,080.45
.....	3,144.96	6,019.05	206.36
(Fiscal year 1900.)			
.....	4,670.12	3,405.64	1,470.84
.....	4,541.41	3,649.51	2,362.74
.....	1,375.57	3,516.44	221.87
.....	5,876.44	3,819.44	2,278.87
.....	5,669.86	3,777.88	4,170.85
.....	3,972.58	6,866.00	1,277.43

on hand was counted and found to agree with the above statement.

Exceptions noted below, the disbursements by the municipality are in accordance with the laws and orders made for their organization and administration, receipts, from whatever source, are fully accounted for.

Options referred to are:

Tickets for the Club Maceo, and machete for Gomez (contracted by old ayuntamiento, January 28).....	\$25.00
Monument to Maceo and Gomez Fero.....	100.00
Guard of honor for Maceo and Gomez Fero.....	7.00
Funeral offerings for Captain Creci and others of the Cuban army.....	33.53
Payment of the band at the funeral of Captain Creci and others of the Cuban army.....	9.72

Expenses are put under the head of "Imprevistos" (chapter 10, article 1), of public calamities and other unforeseen expenses that may occur during the year.

No authority for contracting such expenses under this head—article 70, law, requiring that such expenses should be previously approved by the board.

Nothing further business before it, the board then adjourned to meet at the next session.

J. F. STRETCH,
Major, Eighth Infantry, President,
M. R. SUAREZ,
Gen. Supt. Cuban Relief Work, Member,
C. C. CARTER,
Second Lieut., Second Artillery, Recorder.

B.

[Official.]

ALCALDIA MUNICIPAL DE REGLA,
Regla, January 12, 1900.

Brig. Gen. WILLIAM LUDLOW,
Governor of Habana.

GENERAL: In compliance with the official letter of January 10, 1900, received from Mr. C. C. Carter, second lieutenant, Second Artillery, I respectfully inform you that the accounts of this municipality will be ready for examination by the 15th instant, when I shall be very pleased to receive the board of auditors.

Very respectfully,

J. A. CLARK.

HABANA, January 26, 1900.

To the CIVIL GOVERNOR OF THE PROVINCE OF HABANA,
Habana, Cuba.

SIR: The inclosed papers relative to the expenditures made during the last calendar year by the city of Regla are transmitted to you for your information and action, your attention being especially invited to the five items specified on page 3. The board of audit reports favorably as to the accounts of the city, with the exception of these items, which they report as unauthorized under article 70 of the municipal law, inasmuch as they were not public calamities or other unforeseen expenses, and furthermore that they had not been previously approved by the civil governor.

With regard to these items, it seems to me that the first might, perhaps, be overlooked for the reason that it was a transaction by the ayuntamiento existing on January 28, 1899, for which the present ayuntamiento was responsible only as successors, and not as participants. The remaining items, however, are chargeable to the present city government.

With regard to expenditures of this nature, I took occasion, in a recent letter to the mayor of Santa Maria del Rosario to state as follows: That they "can not be approved as not being in conformity either with the law or with the financial condition and interests of the city. They were not included in the budget. Expenditures of this nature must be approved by the civil governor, and no such approval had been given, the only general allowance authorized other than the specific items included in the presupuesto being a sum 'for pressing expenses incurred by reason of public calamities.' However grateful it may be to the city authorities, therefore, to have made the disbursements noted, you are instructed that they can not be authorized, and that no such items should appear in the future without previous special authorization. The immediate pressing needs of the community are too great and their means too small to justify expenditures other than those for the imperative necessities of sanitation, instruction, the care of the destitute and ailing, and the due police and order of the city."

It seems to me, therefore, that the ayuntamiento could properly be instructed that the expenditures disallowed should be returned to the treasury by contributions from those who were responsible or concerned in their original payment.

It seems well at the outset that proper principles of administration in these matters should be insisted upon and irregularities corrected, in order to provide effective against their occurrence in the future.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commanding Department of Habana.

Proceedings of a board of audit on the accounts of Guanabacoa convened pursuant to the following order:

CIVIL ORDERS, }
No. 5.

"OFFICE OF THE MILITARY GOVERNOR OF HABANA,
Habana, January 9, 1900.

"A board of audit is hereby appointed to consist of the following persons: Maj. J. F. Stretch, Eighth Infantry; Second Lieut. C. C. Carter, Second Artillery; Mr. M. R. Suarez, general superintendent Cuban relief work.

"The duty of this board will be to make a thorough and accurate investigation of the accounts of the ayuntamientos of Guanabacoa, Regla, and Santa Maria del Rosario for the year 1899, examining into both the nature of the expenditures and the details thereof under the several heads, that it may be known that the disbursements by the municipalities were in accordance with the laws and orders made for the organization and administration of the municipal affairs, and that all receipts from whatever source are fully accounted for.

"It is desired that this investigation be made without delay, for which purpose the members of the board of audit will assemble at 10 o'clock a. m., Wednesday,

10, at the office of the military governor of Habana for the purpose of g and entering upon the discharge of their functions.

auditing of the accounts of the municipalities will include all the separate of administration and likewise the transactions of proceedings for the main- of which funds have been furnished by the military governor of Habana.

board of audit is authorized and empowered to call for persons and papers, ficials are enjoined to cooperate with and aid the board in the discharge of

command of the military governor of Habana:

"H. L. SCOTT, *Adjutant-General.*"

HABANA, January 25, 1900.

ard met pursuant to the foregoing order at the office of the military gov- Habana at 11 a. m. January 10, 1900, was organized, received instructions, ed upon its duties.

ard decided to write letters to the different mayors mentioned in the order, g information as to when their accounts would be ready for inspection, and ry 14, a reply was received from the mayor of Guanabacoa. (Letter and eto attached and marked "A.")

uary 22 at 10 a. m. the board met at the office of the mayor of Guanabacoa eded to make a full examination of his accounts, which show the follow- ent: January 1, 1899, balance on hand \$1.29, Spanish gold; January, 1899, 3,865.46, expenditures \$2,684.78; balance \$1,181.97.

uary 1st the balance entered on his books is \$135.66 instead of the balance ove. The difference, \$1,046.31, does not appear anywhere on the books, tially accounted for by receipts now in possession of the ayuntamiento. her for \$507.52 is incomplete, \$274.98 of this sum not being receipted for; accounted for by one voucher, but of this sum \$126.27 is not signed for; : first amount, \$1,046.31, is not receipted for, but appears on the books as a to the old bookkeeper and cashier. The balance, \$293.40, does not appear uted for in any way. The mayor explained to the board in this connec- on April 12, 1899, he discovered in possession of the bookkeeper and cashier mber of small slips of paper, which were receipts for sums paid out by that he directed the cashier and bookkeeper to have these made out in the rm on the blank provided for that purpose. The mayor also stated that eeper did not finish this, but absconded, taking with him small receipts g to \$697.61. The state of affairs was reported to the proper authorities; gs were instituted against the absconding cashier, who was arrested and is ail of \$2,000; a committee of two expert accountants were set at work on y, and after about two weeks' work found that the absconding cashier had y with \$292.93, a difference of 47 cents existing between this amount and nt found not accounted for by the board of audit.

	Receipts.		Expenses.		Balance.	
	Spanish gold.	American currency.	Spanish gold.	American currency.	Spanish gold.	American currency.
hand Dec. 31, 1898.	\$1.29					
1899.						
.....	3,865.46		\$2,684.78		\$1,181.97	
.....	135.66					
entered should						
en	1,181.97					
.....	2,079.03		822.34		1,332.35	
.....	4,445.91		4,846.80		931.46	
.....	5,916.55	\$151.97	5,370.19	\$33.86	1,477.82	\$118.11
.....			² (218.99)		(218.99)	
.....	8,933.00	714.95	10,075.38	427.09	116.45	405.97
.....	4.24	786.71	4.76	442.27	115.93	750.41
.....	1,253.18	4,564.06	1,290.61	4,625.53	78.50	688.94
.....	536.83	9,994.12	601.74	6,665.03	13.59	4,018.03
.....		1,223.10		3,372.56	13.59	1,868.57
.....	78.20	599.47	11.83	1,197.52	79.96	1,270.52
.....		249.31	26.12	52.09	58.84	1,467.74
.....		176.71		1,000.00	58.84	644.45
.....		112.13	4.34	61.06	449.50	4895.50

nd above.

, \$218.99 Spanish gold, does not appear to be accounted for by the proper receipts. It was o the board by the mayor that this amount is accounted for by the fact that it is included pts carried off by the absconding cashier and bookkeeper—the balance, \$116.45, obtained the cash on hand on May 23.

and expenses made in present fiscal year belong to last fiscal year. nce taken forward in January of the present year.

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RECEIPTS AND EXPENSES OF THE PRESENT FISCAL YEAR.

	Receipts.		Expenses.		Balance.	
	Spanish gold.	American currency.	Spanish gold.	American currency.	Spanish gold.	American currency.
July.....	\$17.00	\$197.11	\$12.15	\$65.23	\$4.85	\$131.89
August.....	788.90	11,588.35	771.43	10,308.21	22.32	1,422.07
September.....	1,040.06	4,673.11	692.06	6,090.48	370.32	4,662.71
October.....	609.75	4,216.58	921.68	3,254.99	58.44	966.22
November.....	1,104.21	9,200.36	937.70	5,997.37	224.96	4,169.22
December.....	479.99	2,694.15	565.22	6,784.56	139.72	78.88

The cash on hand was counted and found to agree with the above statement.

With the exceptions noted below, the expenditures are in accordance with the laws and orders for the organization and administration of the municipal council and all receipts, from whatever source, are fully accounted for:

	Spanish gold.
Jan. 24. Payment to the cashier for cot, pillow, etc., for the lodging of General Rolof	\$14. 00
Payment to the cashier to pay Jose Gonzalez for provisions and meals furnished the Cuban force, army of liberation.....	115. 75
Feb. 10. Gastos de ayuntamiento, wreath bought for General Garcia's funeral.....	15. 90
Mar. 11. Paid to F. Menendez for lunch to General Gomez.....	67. 25
Mar. 21. Paid to Pedro Rodriguez for ribbon and printing thereon for the crown dedicated to the victims of Cofedo, Maurri, and Fons de Viela	3. 80
Apr. 3. Cartage of piano for celebration in honor of General Gomez at city hall.....	3. 00
Dec. 2. Expenses of commission to attend General Maceo's funeral.....	21. 50
Dec. 12. Expenses of the chief of police and guard at the obsequies of General Maceo	21. 84

The above expenses are not authorized, article 70, municipal law, requiring that they be previously approved by the civil governor. No special amount for these items was approved in the budget.

The following items are not accounted for by proper vouchers:

	Spanish gold.
Jan. 3. Paid to the cashier for amount expended for the fiscal year 1897 and 1898, as per vouchers (vouchers could not be found): Spanish bills, \$2,148.94; equivalent to.....	\$1,715.36
Payment to the cashier for exchange of Spanish bills existing in the safe and which were taken at par value November, 1898...	55.78
Salary of secretary of ayuntamiento	33.06
Jan. 13. To Capt. D. Lodislao Azapeitia, Cuban army, to buy provisions for Cuban forces under his command from December 30 to January 15	217.50
Jan. 24. Cab hire for commission appointed to inspect weight of beef at slaughterhouse and collection of dues thereof, month of December and 25 days in January	56.00
Apr. 12. Shortage of \$293.40—\$292.93 claimed to have been taken by the absconding cashier and bookkeeper; the remaining 47 cents not accounted for.	
May 23. A shortage of \$218.99 found upon counting funds on hand on this date, this sum not being accounted for by the receipts, but according to statement of the mayor the receipts were carried off by the absconding cashier and bookkeeper.	

With the exceptions noted above, all receipts, from whatever source, are fully accounted for.

From January 1 to April 12, 1899, the books seem to have been very badly kept. From April 12 until May 23, same year, no system of bookkeeping whatever was followed, memoranda only of expenditures and receipts being made. From May 23 to the present time the books have been kept in very good shape.

There being no further business before it, the board adjourned sine die.

J. F. STRETCH,
Major Eighth Infantry, President.
M. R. SUAREZ,
General Superintendent Cuban Relief Work, Member.
C. C. CARTER,
Second Lieutenant, Second Artillery, Recorder.

EXHIBIT A.

OFFICE OF THE MILITARY GOVERNOR OF HABANA,
Habana, January 10, 1900.

To the MAYOR OF GUANABACOA.

SIR: The board of audit appointed by Civil Orders, No. 5, office of the military governor of Habana, Habana, January 9, 1900, directs that you inform it immediately of the earliest possible date when your accounts will be ready for inspection.

Very respectfully,

C. C. CARTER,
Second Lieutenant, Second Artillery, Recorder.

[Indorsement.]

OFFICE OF THE MAYOR OF GUANABACOA,
January 13, 1900.

Respectfully returned to the military governor of Habana, with information that the board of audit may commence investigation here when it may be convenient for said board.

I would suggest that notice be given, so that the mayor may be in his office.

Respectfully,

G. W. HYATT, *Mayor of Guanabacoa.*

HABANA, February 4, 1900.

To the MAYOR OF GUANABACOA, *Guanabacoa, Cuba.*

SIR: There are sent you herewith copies of papers relative to the audit of the accounts of the villa of Guanabacoa during the past calendar year, together with a copy of communication made to the civil governor of the province of Habana with reference thereto.

The papers in question are sent, by direction of the department commander, for your information and guidance.

Very respectfully,

H. L. SCOTT, *Adjutant-General.*

ACCOUNTS OF GUANABACOA FOR YEAR 1899.

HABANA, February 4, 1900.

To the CIVIL GOVERNOR OF THE PROVINCE OF HABANA.

SIR: The inclosed papers relative to the expenditures made by the villa of Guanabacoa during the last calendar year are transmitted to you for your information and action.

The board of audit reports favorably in general as to the accounts of the city, inviting attention, however, to certain items as to which the accounts are in some respects incomplete and some of them open to objection on the score of illegality.

There are eight items specified on page 3 for which no authority exists, article 70 of the municipal law requiring that they should have been previously approved by the civil governor, no special amounts for these appearing in the budget.

The first two items, of January 24, amounting to \$129.75, were incurred by the old ayuntamiento, the present city government having taken charge on January 26. So far as these two items are concerned, therefore, the existing ayuntamiento seems responsible only as the successors of the previous officials, and not as participating in the responsibility of the payment.

For the remaining six items, between the dates of February 10 and December 12, amounting to \$133.20, the present ayuntamiento is responsible. The expenditures are of a similar nature to those noted in the case of Regla and Santa Maria del Rosario, and open to the same objection, viz, that referred to in the following extract from a letter to the mayor of Santa Maria del Rosario:

They "can not be approved, as not being in conformity either with the law or with the financial condition and interests of the city. They were not included in the budget. Expenditures of this nature must be approved by the civil governor, and no such approval has been given, the only general allowance authorized other than the specified items included in the presupuesto being a sum 'for pressing expenses incurred by reason of public calamities.' However grateful it may be to the city authorities, therefore, to have made the disbursements noted, you are instructed that they can not be authorized, and that no such items should appear in future without previous special authorization. The immediate pressing needs of the community are too great and their means too small to justify expenditures other than those for the imperative necessities of sanitation, instruction, the care of the destitute and ailing, and the due police and order of the city."

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It seems to me, therefore, that the ayuntamiento could properly be instructed that the expenditures are disallowed and should be returned to the treasury by tributions from those who were responsible or concerned in their original payment.

Of the items on page 3 of the report of the board of audit, for which full vouchers could not be found, it appears that the first five items, of date from January January 24, pertain to the responsibility of the previous ayuntamiento whose incumbency covered these dates; the first and largest item apparently being charge the books, though without proper vouchers, which have disappeared from the records, as representing expenditures for the fiscal years 1897 and 1898. It is probably impracticable to make a satisfactory investigation of these accounts or to recover sums improperly paid.

The remaining two items not fully accounted for, viz, those of April 12 and 23, pertain to the accounts of the present ayuntamiento, the difficulty in this being due to the fact that an absconding cashier took away with him both fund-memorandum receipts. The cashier was prosecuted, but the record shows ultimately, on January 23, 1900, he was acquitted, owing, it is understood, to a defect in the technical testimony against him. The accompanying memorandum shows the warrants and memorandum receipts which are attached to the proceedings in the case to be now on file with the audiencia of Havana, viz, warrants amounting to \$266.44, and memorandum receipts amounting to \$339.40, making a total of \$605.84.

In this, as in similar cases, there has evidently been difficulty in securing content and reliable people to keep the books, but the board of audit reports through the efforts of the mayor, since May 23 the accounts of the city have been kept in proper condition.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commandant

Examination of the records of the case of Pedro Santuisto, late cashier of the ayuntamiento of Guanabacoa, shows that the following warrants and memorandum receipts are attached to the proceedings now on file in the audiencia of Habana:

Warrants of the municipality of Guanabacoa:

No. 339, to Francisco Vidal	\$4
No. 340, to Salvador Carlés	2
No. 341, to Manuel Marrero	2
No. 342, to Santiago Suarez	2
No. 343, to Carlos Rafael	1
No. 344, to Ramón Cespedes	2
No. 345, to Fermin Tomás	4
No. 346, to Miguel Jiménez	2
No. 347, to Joaquín Blanco	1

Total

Memorandum receipts:

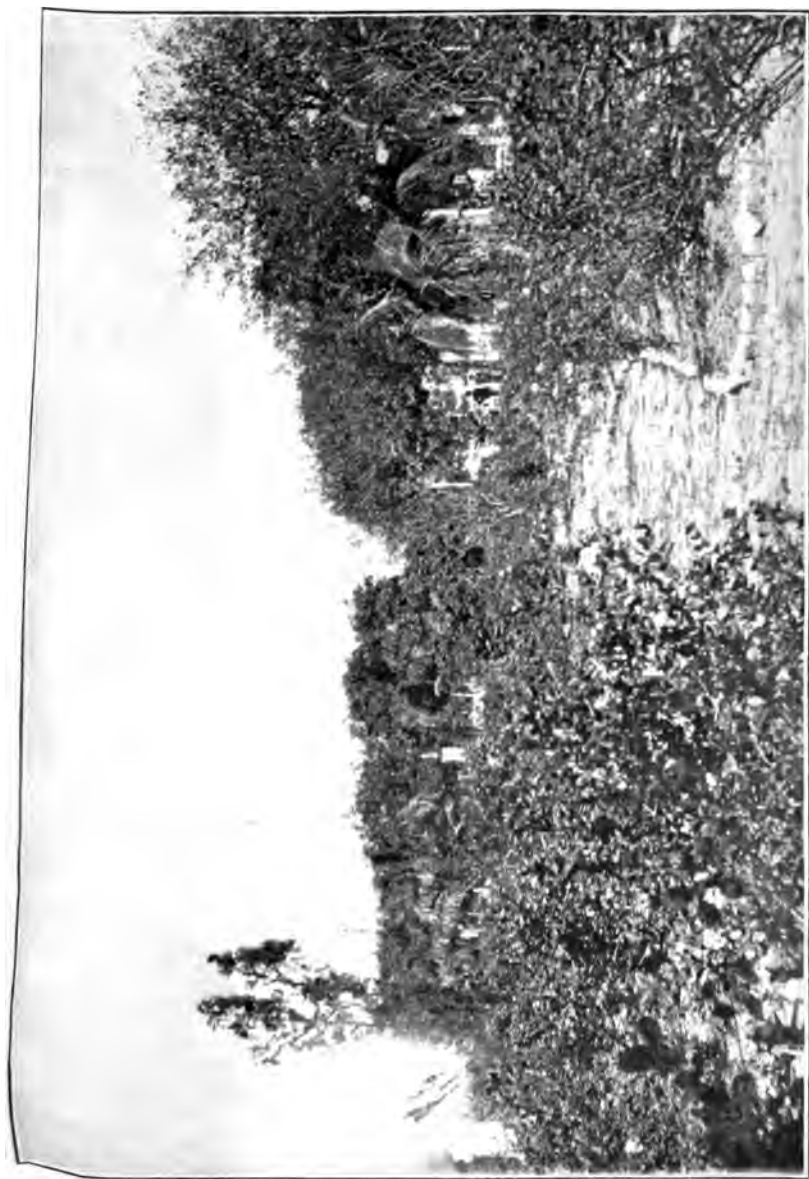
January 28, 1899, to Francisco Vidal	
February 3, 1899, to Francisco Vidal	
February 4, 1899, to Francisco Vidal	1
February 8, 1899, to Francisco Vidal	1
February 12, 1899, to Francisco Vidal	1
January 28, 1899, to Salvador Carlés	
February 3, 1899, to Salvador Carlés	1
February 13, 1899, to Salvador Carlés	1
February 1, 1899, to Manuel Marrero	
February 6, 1899, to Manuel Marrero	1
February 15, 1899, to Manuel Marrero	
January 28, 1899, to Santiago Suarez	
February 4, 1899, to Santiago Suarez	1
February 14, 1899, to Santiago Suarez	1
January 28, 1899, to Carlos Rafael	
January 28, 1899, to Carlos Rafael	
January 28, 1899, to Ramón Cespedes	
February 4, 1899, to Ramón Cespedes	1
February 13, 1899, to Ramón Cespedes	1
January 28, 1899, to Fermin Tomás	
February 4, 1899, to Fermin Tomás	1
February 12, 1899, to Fermin Tomás	2



COLON PARK. NORTHWEST CUARTÓN. UNIMPROVED. JANUARY 1, 1900.



COLON PARK. NORTHWEST CUARTON, UNIMPROVED. JULY 1, 1900.



COLON PARK. NORTHEAST CUARTON. JULY 1, 1899.





COLON PARK. NORTHEAST CUARTON. APRIL 1, 1906.

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COLON PARK. PARTIALLY IMPROVED. JANUARY 1, 1900.



COLON PARK. NORTHEAST CUARTON. APRIL 1. 1900.

.....	\$10.60
.....	1.82
.....	4.24
.....	5.30
.....	4.24
.....	1.00
.....	1.00
.....	2.00
.....	7.00
.....	7.00
.....	2.60
.....	9.45
.....	10.60
.....	10.60
.....	4.00
.....	16.72
.....	1.70
.....	26.50
.....	10.60
.....	<u>339.40</u>
.....	<u>266.44</u>
.....	<u>339.40</u>
.....	<u>605.84</u>

del Rosario, convened pur-

ERNOR OF HABANA,
 abana, January 9, 1900.
 ollowing persons: Maj. J.
 econd Artillery; Mr. M.

accurate investigation of
 d Santa Maria del Rosa-
 expenditures and details
 the disbursements by the
 s made for the organiza-
 ll receipts from whatever

ay, for which purpose the
 m., Wednesday, January
 purpose of organizing and

include all the separate
 proceedings for the main-
 governor of Habana.
 l for persons and papers,
 board in the discharge of

YT, Adjutant-General."

HUBA, January 18, 1900.
 e of the military governor
 eceived instructions, and

mentioned in the order,
 be ready for inspection.

santa Maria del Rosario,
 the board after the 15th

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On January 17 the board met at the office of the mayor of Santa Maria del Rosario and proceeded to make a thorough examination of his accounts, which show the following statement:

	American money.		
	Receipts.	Expenses.	Balance
1899.			
January.....	\$82.25	\$15.55	\$66.70
February.....	84.00		150.70
March.....	81.50		
Receipts on resources:			
April.....	374.45	606.65	
May.....	362.97	52.62	300.35
June.....	156.625	164.79	29.83
Receipts and expenditures belonging to fiscal year 1898-99 collected and disbursed during following months of present fiscal year:			
July.....	273.54	126.16	147.38
August, September, and October.....	58.44	146.285	87.845
November.....	70.055	3.50	66.555
December.....	10.625	.58	10.045
Receipts and expenditures belonging to present fiscal year:			
July.....	22.75	1.18	21.57
August and September.....	435.94	223.61	212.33
October.....	203.67	73.12	130.55
November.....	618.79	247.31	371.48
December.....	186.785	283.85	102.935

Cash on hand was counted and found to agree with the above statement.

With the exceptions noted below the disbursements by the municipality are in accordance with the laws and orders made for their organization and administration, and all receipts from whatever source are fully accounted for.

The exceptions referred to are:

In the accounts for August, September, and October the following disbursements appear:

For Garcia subscription.....	\$5.00
For Macéo subscription.....	10.00
For the feast to the patron saint (Santa Maria).....	30.00
Banquet to Padre Arteaga.....	24.00

In the budget for 1899-1900 no amount was provided for such expenses. Article 70, municipal law, requires that such expenditures be approved by the civil governor before they are made. A letter from the civil governor, hereto attached and marked "C," explains that these expenditures were not specifically authorized by him.

There being no further business before it, the board then adjourned to meet at the call of the president.

J. F. STRETCH,
Major, Eighth Infantry, President.

M. R. SUAREZ,
General Superintendent Cuban Relief Work, Member.

C. C. CARTER,
Second Lieutenant, Second Artillery, Recorder.

EXHIBIT A.

OFFICE OF THE MILITARY GOVERNOR OF HABANA,
Habana, January 10, 1900.

SIR: The board of audit appointed by Civil Orders, No. 5, office of the military governor of Habana, Habana, January 9, 1900, directs that you inform it immediately of the earliest possible date when your accounts will be ready for inspection.

Very respectfully,

C. C. CARTER,
Second Lieutenant, Second Artillery, Recorder.

To the MAYORS OF GUANABACOA, REGLA, SANTA MARIA DEL ROSARIO.

EXHIBIT B.

[Official.]

ALCALDIA MUNICIPAL DE SANTA MARIA DEL ROSARIO,
10 de Enero de 1900.

and Lieut. C. C. CARTER.

Don: Recibida su comunicacion de fecha de hoy tengo la honra de manifestarle desde el Lunes dia 15 puede girarse la visita á este ayuntamiento cuando esa Junta estime conveniente.

De V. respetuosamente,

BERNABÉ BOZA,
El Alcalde.

EXHIBIT C.

GOBIERNO CIVIL DE LA PROVINCIA DE LA HABANA,
Habana, Cuba, January 18, 1900.

CARTER,

Headquarters Department of Habana, Habana, Cuba.

RE: In reply to your consultation to me that if this government had authorized municipality of Santa Maria del Rosario to contribute with \$5 to the "Garcia" subscription, with \$10 to the "Maceo" subscription, with \$30 for the festivities of patron saint of said town, and with \$34¹ for a banquet given in honor of Mr. Arteaga, expenses all incurred during the months of August and September last, I have the honor to inform you that the approved estimates of expenses for said municipality was made during the time of my predecessor in office, Gen. Rius Rivera, on date of October 6, who only approved such expenses as were justified, besides a sum of \$700 "for pressing expenses occurred for public calamities" out of those signed in the estimate, and in which chapter it is impossible that the municipality of Santa Maria del Rosario would have placed those specifically mentioned herein.

Respectfully,

EMILIO NUÑEZ, Civil Governor.

HABANA, January 25, 1900.

the MAYOR OF SANTA MARIA DEL ROSARIO.

RE: The board of audit appointed by the commanding general of the Department of Habana has made an inspection of the accounts of Santa Maria del Rosario, as presented by you, with the gratifying result that, after a thorough examination of the books, the books were found to be in a satisfactory condition, and the cash on hand was counted and found to agree with the cash balance reported.

Your attention is invited, however, to the following extract from the report of the board:

With the exceptions noted below the disbursements by the municipality are in accordance with the laws and orders made for their organization and administration, all receipts from whatever source are fully accounted for.

The exceptions referred to are:

In the accounts for August, September, and October the following disbursements appear: For Garcia subscription, \$5; for Maceo subscription, \$10; for the feast of the patron saint (Santa Maria), \$30; banquet to Padre Arteaga, \$24.

In the budget for 1899-1900 no amount was provided for such expenses. Article municipal law, requires that such expenditures be approved by the civil governor when they are made. A letter from the civil governor, hereto attached and marked 'A' explains that the expenditures were not specifically authorized by him."

You will observe from this that the four expenditures made can not be approved, not being in conformity either with the law or with the financial condition and needs of the city. They were not included in the budget; expenditures of this nature must be approved by the civil governor, and no such approval had been given, only general allowance authorized other than the specific items included in the estimate being a sum "for pressing expense incurred by reason of public calamities." However grateful it may be to the city authorities, therefore, to have made disbursements noted, you are instructed that they can not be authorized and that such items should appear in the future without previous special authorization. If immediate pressing needs of the community are too great and their means too small to justify expenditures other than those for the imperative necessities of sani-

¹ This should be \$24.

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tation, instruction, the care of the destitute and ailing, and the due police and order of the city.

By order of the commanding general of the Department of Habana:

H. L. SCOTT, *Adjutant-General*.

HABANA, January 25, 1900.

TO THE CIVIL GOVERNOR OF THE PROVINCE OF HABANA.

SIR: I am directed by the commanding general, Department of Habana, to inclose for your information copy of a letter made to the mayor of Santa Maria del Rosario, in order that you may be fully advised with respect both to the conditions in Santa Maria and to the action taken by this office in reference thereto.

Very respectfully,

H. L. SCOTT, *Adjutant-General*.

HABANA, January 26, 1900.

TO THE CIVIL GOVERNOR OF THE PROVINCE OF HABANA,

Habana, Cuba.

SIR: Referring to the matter of the examination of the accounts of the ayuntamiento of Santa Maria del Rosario by the board of audit, and in particular to the four items of expenditure to which the board properly takes exception, and as to which I have recently communicated with the mayor, furnishing your office with a copy of the letter, I suggest that the amounts in question be disallowed in settlement, and the authorities instructed to return the total to the city treasury, taking it up under the head of "Miscellaneous receipts derived from repayments made in error."

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commanding Department of Habana.

Report of the Habana board of audit, constituted by Civil Orders, No. 4, of the military governor of Habana, of date January 8, 1900.

CIVIL ORDERS, }
No. 4.

OFFICE OF THE MILITARY GOVERNOR OF HABANA,
Habana, Cuba, January 8, 1900.

A board of audit is hereby appointed, to consist of the following persons: J. N. Casanova, Antonio Garcia Brito, Osgood Smith.

The duty of this board will be to make a thorough and accurate investigation of the accounts of the ayuntamiento of Habana for the year 1899, examining into both the nature of the expenditures and the details thereof under the several heads, that it may be known that the disbursements by the city were in accordance with the laws and orders made for the organization and administration of the city affairs, and that all receipts from whatever source are fully accounted for.

It is desired that this investigation be made without delay, for which purpose the members of the board of audit will assemble at 10 o'clock a. m., Tuesday, January 9, at the office of the military governor of Habana, for the purpose of organizing and entering upon the discharge of their functions.

The auditing of the accounts of the city will include all the separate bureaus of administration and likewise the transactions or proceedings for the maintenance of which funds have been furnished by the military governor of Habana, including the accounts of the presidio.

The board of audit is authorized and empowered to call for persons and papers, and all officials are desired to cooperate with and aid the board in the discharge of its duties.

By command of the military governor of Habana:

H. L. SCOTT, *Adjutant-General*.

BOARD OF AUDIT OF ACCOUNTS OF THE CITY OF HABANA,
Habana, April 9, 1900.

Gen. WILLIAM LUDLOW, U. S. A.,

Military Governor of Habana.

SIR: In accordance with Civil Orders, No. 4, series of 1900, the board of audit thereby appointed met at 10 a. m. on Tuesday, January 9, at your office and organized by the appointment of Mr. J. N. Casanova as president and Mr. Antonio Garcia Brito as secretary.

The board first proceeded to count the cash on hand in the city treasury and also

the cash and bonds deposited there as security for various municipal purposes. It then proceeded to investigate the expenditures of the city in detail, and last took up the income in order to ascertain whether the city had received all the moneys that were properly collectible by it. The presidio is entirely independent of the city council and has its own distinct system of accounts. The "section of hygiene" is in an analogous position, and seems to treat the city cashier simply as a banker against whom they make drafts as is necessary. The cashier's accounts with this department are kept entirely separate and its funds are treated as a special deposit. We therefore beg to submit our report upon the matters intrusted to our charge by first disposing of the accounts of the presidio, then those of the section of hygiene, then the city expenditures, and finally the city's income and collections. In accordance with this plan we therefore beg to submit the following report:

1. THE ACCOUNTS OF THE PRESIDIO.

The accounts of the presidio for the six months ending July 1, 1899, had previously been audited and examined under the direction of Major Ladd, auditor of the division of Cuba. This board therefore did not examine the accounts of this period with the minuteness with which it examined the accounts for the six months ending December 31, 1899, because the accounts for the first six months had already been definitely settled by the action of higher authority. We therefore beg to report that for this last-named period the accounts of the presidio show that that institution has been charged with all the money paid to it, and the board personally examined properly signed vouchers for all of its expenditures.

The cash on hand was then examined, and on being compared with the vouchers of expenses incurred between January 1, 1900, and the date of the examination, January 12, 1900, the amount of cash on hand December 31, 1899, was determined at \$41.70, American money, which sum was exhibited by the bookkeeper and counted by this board. The board then proceeded to examine the receipts and expenditures from July 1 to December 31, 1899, inclusive, and determined the amount of cash on hand as of December 31, 1899, at \$41.70. The vouchers for this period were all full and complete, and every cent is thus fully accounted for. The total expenses of the Presidio during the year were \$116,346.84, Spanish gold, which, with the average of 759 prisoners, would make the average expense per prisoner per year \$153.29. Under the Spanish régime the expenses during the year 1898 were stated to have been \$164,711.60 in Spanish gold. As the average number of prisoners during this time was 1,194, the average expense of each prisoner per year was then \$137.95. This comparison shows a decrease in the gross annual expenses of \$48,364.76, and an increase in the annual expense of each prisoner of \$18.34. This difference can probably be accounted for by the fact that the fixed charges for the maintenance of guards and building are independent of the number of prisoners, and by the further fact that quite a considerable amount of repairs to the building and its fixtures and renewal of the office furniture was necessary. There seems to have been a tendency to liberality in expenditures, however, during the year 1899, as, for example, two mules were bought for \$442 on March 22, or \$221 apiece, while the city slaughter house bought mules at \$130 and \$110 apiece. A desk was also bought, for which \$100 was paid, which seems a high price. A horse was bought for \$291.45, a cart for \$150, and a carriage for \$135. The expenditures in the hospital for alcohol and liquors seemed rather large. Each sick prisoner consumed at an average for each month of the last six months of 1899, 7 quarts of aguardiente, 0.7 of a quart of alcohol, 4.11 quarts of red wine, and 0.6 of a quart of muscatel. The supplies during the year 1899 were all bought in the open market, but it was stated that the supplies for the year 1900 were to be bought by contract, beginning with February of the latter year. The question of the relative cheapness of buying in the open market and buying by contract will be treated later in this report.

The board made a personal inspection of the building occupied by the Presidio and also of the quarters occupied as a hospital, and found both in clean, neat condition. The amount of sickness among the prisoners seemed small and they presented a general appearance of as good health as could be expected from the system of confinement prevailing.

2. THE SECTION OF HYGIENE.

In inspecting expenditures made by the section of hygiene during the year 1899 the board found that this section was turned over to the city on April 18 of that year, and therefore began its examination from that point. For a short time after the city took charge of the finances of this section the vouchers rendered by the city cashier were lacking in details. The board then proceeded to the offices of the section and there found complete and detailed vouchers for almost every expense incurred by

the section during the time covered by the investigation. The bills which were not detailed were for comparatively small amounts and were stated to be on file at the hospital of the section, and therefore no examination was made on this point. The accounts of the section were most carefully and completely kept, and it was found easy to verify their correctness. All the licenses and receipts that were issued were in forms with stubs, and they were all correctly accounted for. The amount of commissions paid to the collector was also verified and found correct. This section also had been making purchases in the open market, and for such articles as bread, meat, and groceries had been paying a larger price than was paid by the city. This was satisfactorily explained by the fact that these supplies were used only for the hospital, and as these expenses were paid wholly out of the proceeds of the fines and licenses paid by those who became inmates of the hospital, it seemed proper that during their illness they should receive a different class of food from that given to the city poor or to the inmates of the various prisons or reformatories.

The cash on hand in the city treasury to the credit of this department was also counted, and by an examination of the payments made between the 1st of January, 1900, and the date of such count was settled at \$12,814.07, and the verification of the cashbook of the city cashier for this section from April 18 until December 31 settled it at the same amount.

PAYMENTS MADE BY THE CITY.

The first step that the board took toward verifying the accounts of the city was to examine the cash on hand in the cashier's office. It then proceeded to count the cash actually on hand, then to examine the auditor's certificates for deposits and his orders for payments made between the date of such examination, viz, January 9 and the first of the year, and they determined the cash on hand on the 31st of December, 1899, as follows:

	United States currency.	Spanish gold.
General cash.....	\$186, 174. 20	\$6, 177. 65
Cash in section of hygiene.....	12, 814. 07	
Total.....	198, 988. 27	5, 177. 65

This amount is correct in accordance with the amount received by the city treasurer on January 14, 1899, and since that date.

The board then proceeded to examine the securities on deposit with the treasurer on January 16 and found a large number of various securities there, a detailed list of which will be found on pages 13 to 17, inclusive, of the minutes of the board for that day.

The board then proceeded to the examination of the books of the city which contain a statement of the various deposits made as security of different kinds, and found that the bonds and securities of that class, as called for by the books of account, were all in the cashier's safe, and that he also had in his possession the proper balance of cash representing such deposits which had been made since the 14th of January, 1899, and received on that date.

In order to explain certain features of this deposit account it is necessary to go back to the situation on the 14th of January, 1899, when the present city government assumed control. On that date the former cashier turned over to his successor an aggregate of \$1,906.59 in various currencies, as will appear in the printed summary of the movement of cash in the city treasury from the 15th of January to the 31st of December, 1899, accompanying this report (Appendix A). This was the balance as shown by the general cashbook of the city. At the same time the former cashier turned over the following amounts on account of cash deposited as security:

Spanish gold.....	\$3, 238. 1	91
Spanish silver.....	55. 8	
Bills of the Spanish Bank of the island of Cuba.....	945. 8	
Total.....	4, 239. 7	

This total, however, in no way represents the liability of the city for cash previously deposited as security, and which the city is bound to repay.

During the calendar year of 1899 the city paid out, in addition to repayments made from the funds thus surrendered, the amount in Spanish gold of \$19, 738. 13

In addition to this amount an examination of the old books of the city shows that the city is further indebted on these accounts to the amount of:

Spanish gold.....	\$15,729. 84	
Spanish silver.....	6. 18	
Bills of the Bank of Spain, island of Cuba	1,924. 68	
		\$17,660. 60
Total.....		37,398. 73

This total represents the amount for which the city was responsible on January 14, 1889, for those cash deposits according to the city books, and for which the present city administration did not receive a cent from the old administration which it succeeded. The board respectfully suggests that a further and complete investigation of this matter, if such is desired, would enable the city to recover some part of this large sum by fixing the responsibility for its improper expenditure upon some of the old city officials; but the board has not made any such investigation, as it considered it was not within the terms of the order appointing it, nor did it have sufficient time at its disposal.

Among the deposits of bonds which are now in the city treasury, one needs particular attention, viz, the deposit of Señor Pablo Gonzales Palacio, made some ten years ago as security for the performance of his duties as treasurer of the city. This deposit is 105 bonds of the second mortgage of the city, to the value of \$10,500, with a number of coupons attached. The numbers of these bonds appear on page 13 of the minutes of the board.

It was reported that Señor Pablo Gonzales Palacio was a defaulter and in debt to the city. A letter was thereupon addressed to the auditor of the city for information on this point, and specially requesting him to give a detailed statement of Señor Palacio's accounts, so as to show the amount which he owed the city. In reply the auditor forwarded a statement of the bookkeeper to the effect that a commission had been named in 1892 at the time when Mr. Palacio left his employment to determine the balance against him. That an expediente was prepared on this matter and had been forwarded to the Spanish courts, without rendering any account to the auditor's office, but that a copy was probably on file with the secretary of the city. The board has since been informed by the secretary that no copy exists in his office. The bookkeeper's statement further stated that the balance in cash for which Señor Pablo Gonzales Palacio was responsible at the time when he left his position was \$52,767.30 in Spanish gold, \$827.77 in Spanish bank bills on account of the budget of the year 1891 to 1892, and the further sum of \$9,691.79 in Spanish gold and \$30.47 in bills of the Bank of Spain on account of the budget of the year 1892 to 1893, the total of these amounts being \$63,366.83. When an official leaves the country and forfeits his bond the probabilities are that he has made a pretty clean sweep of the funds in his charge. The board therefore recommends that the security of Señor Pablo Gonzales Palacio be declared forfeited to the city, and that the coupons which have already fallen due be canceled and the bonds be sold in the open market without such coupons. The object of making this sale is that the city may have the advantage of the premium at which the bonds are now selling in the open market.

A reference to the minutes of the board, on pages 13 and 14, will show that there are a number of so-called securities now on deposit in the treasurer's safe which are valueless. In addition to these there are some coupons and bonds of the island of Cuba (\$18,100) deposited as securities, as set out on page 14. These latter are also practically valueless, as the United States disclaims responsibility for them and it is extremely doubtful that the Government of Spain will ever pay them. An investigation should be made as to how far these securities represent outstanding liabilities, whether actual or contingent, and so far as they do represent them other securities should be given in their place.

It may be added in this connection that in September last the treasurer was directed to give bonds in the sum of \$20,000; the first chief of the collector's office in the same amount; the second chief for \$10,000, and the collectors in the sum of \$5,000 each. On March 29 none of these securities had been accepted and approved by the city, although all but those of the treasurer had been submitted a long time before, in the form of bonds of the Fidelity Company.

The board then proceeded to examine the miscellaneous payments made on account of the city during the year 1899. In making this examination of payments, as well as the examination of collections, the board has had constantly to keep in mind the peculiar and transitory condition of the city government during this period. When the present administration was put in control of city affairs they found an old, cumbersome, and totally inadequate system of bookkeeping; many of the new employees lacked experience in municipal administration; many changes were made from time

to time, both by superior authority and by the city authorities themselves. It is well to instance among these the following: The change from collecting city dues at 20 per cent in Spanish silver and 80 per cent in Spanish gold to collecting them all in Spanish gold; the further change to collecting all city dues in American money; the entire change of the system of taxation made by order of the military governor of the island, dated March 25, 1899; the change in the system of collection, by which the old collectors of the city, who received a percentage in return for their services, were superseded by salaried collectors about September 20; the remission of all arrears of taxes due previous to January 1, 1899, by a decree of the military governor of the island, dated February 10, 1899, and the nonexistence of a budget for the fiscal year 1899-1900 until after December 31, 1899. Some of the results of these changes may be noted here. The remission of taxes by the terms of the order of February 10 led to the city's repaying such taxes for the year 1898 as had been collected between January 1 and February 14, 1899, but the order of the Division of Cuba of June 14 referred to this order of February 10 as if the latter had included only taxes not paid by that date. This led to a further confusion in the accounts of the city.

The change in the collections from 80 per cent to 100 per cent in Spanish gold led to the corresponding change in the payments made by the city, and also to the refunding by the city of salaries paid between January 14 and the date of such change in the collections to the employees who had previously received their salaries for that period with 20 per cent in silver.

The change of collections from Spanish gold to American money led to the corresponding change in the payment of salaries. This was extended to include the payment of pensions paid to various employees of the city, which change began in April. There seems to be absolutely no authority for making this change last mentioned, as these pensions were paid by virtue of the budget of the fiscal year 1898-99, in which these pensions were payable in Spanish gold. The persons who received such pensions are Señor José Quinones, \$90 per month; Señor Pulido, \$112.50 per month; Señor Edelman, \$93.50 per month; Señor Osura Romay, \$16.66 per month; and also the pension which was granted to the Señoritas Gial of \$125 per month Spanish gold until a certain definite sum was paid was also changed to American gold. In the opinion of the board the total amount improperly paid in this matter on account of these pensions during the months of April, May, June, and July, 1899, was the difference between the value of \$1,750.64 in Spanish gold and in American money, or, say, in round figures, \$175.

The change in the rates and form of taxation has not affected the payments of the city.

The change in the form of collection made in September, 1899, led to great confusion in the accounts, because from that date the collector of the city began to classify his accounts in one manner, while the cashier followed another. This emphasizes the absolute necessity which has been apparent throughout the whole of the work of this board of placing some one person in absolute control of all the financial affairs of the city in order to assure a uniformity of methods of accounting, in addition to a more complete and thorough supervision in every other way.

Owing to the peculiar exigencies of the situation in the first six months of the year 1899, the board has not seen fit to make a strict examination of whether all the payments made during that time were in accordance with the budget; neither was this possible for the last six months of that year, as the budget for the fiscal year beginning 1899 was not in existence, as above stated.

In view of the great difficulties which the board now presents, and of others of minor importance, the board desires to say that on the whole they consider the management of the city finances during the year 1899 as creditable. That it is capable of great improvement and simplification is apparent to everyone who has the slightest acquaintance with the city finances during that time, but the board wishes to add that, on the whole, the financial system of the city has generally improved under the present administration, and it has every reason to believe that the officers charged with it have endeavored to place the system upon a logical basis and administer it in such a way as shall be easily understood, so far as lay within their power, under the many and annoying restrictions of the old Spanish law and the modifying legislation of the intervening government during that period, although much remains to be done in this direction. Much of the intricacy in the city accounts would be avoided if the treasurer were instructed to receive American money only, except on contracts which specifically called for other currency, and all payments were made in the same funds. The board wishes to state also that they have seen no indications of personal dishonesty on the part of any employee.

For these reasons the board did not scrutinize the form of payments made previous to July 1 as closely as those made afterwards. There were some bills in the former

period for which the vouchers were complete in form, but did not give the details. In the cases in which the amounts were small, or the account was apparently correct in every respect, the board did not insist upon detailed bills being furnished. In the period after July 1 they did thus insist. The result of the examination in this respect led to the repayment to the city of \$91.93 of mistakes in calculations.

The most serious defect in this direction which the board discovered was in the pay rolls of the slaughterhouse. The pay of the day laborers there amounted to from \$300 to \$550 a month, and the pay rolls were not signed, the reason being given that the men could not write. Upon inquiry the board was informed that these men were only transient laborers and that it would be impossible to obtain their signatures. In all cases where the rolls were not properly signed by permanent employees this oversight was rectified through the assistance of the auditor.

There is one peculiarity in the form of the city's budget which serves greatly to its disadvantage. This is the custom of making assignments to various officials for their expenses. In the case of the schools under the old régime, which continued for the first six months of the current year, this amounted to nearly \$1,000 a month. Upon examination it was found that none of these school-teachers who had received these amounts had rendered any detailed accounts therefor. The board thereupon wrote to them, requesting them to furnish such accounts. One teacher came personally and was frank enough to say that this was always considered as an extra salary, and that sometimes they spent more than this amount for supplies for the schools and sometimes less, but that it never had been accounted for and that it would be impossible to render any exact account. Out of the 54 teachers to whom this request was made 14 sent in detailed vouchers, which, considering they represented payments made as far back as January 1, 1899, were surprisingly clean and unencumbered. Since this form of payment had been discontinued and the majority of these teachers were no longer employed by the city, the board did not continue its investigation further in this direction.

It is, perhaps, necessary to make allowances to certain officials for sundry expenses, and it is of course necessary to set a limit upon the amount thus expended. It is to be noted that while the majority of the officials should receive an "assignment" of money for sundry expenses, three of them invariably spend exactly the amount allowed each month, viz, the chief of police, the dog catcher, and the cashier. The cashier's "assignment" is for losses owing to the exchange of money, and amounts to \$500 a year. This amount seems more than ample, and such an appropriation might be done away with and the cashier allowed for such losses as he actually suffers through the variation of exchange by means of purely journal entries. The history of this last-named "assignment" is peculiar. The cashier represented that he was subject to losses on account of the variations of exchange, and requested an increase in salary. His salary was therefore increased by \$500, and this further "assignment" was made to him of \$500 a year for losses by exchange.

There were certain payments made by the city which were apparently without due regard to market prices. As a rule, these were remedied as early as June, by the process of obtaining city supplies by contract after public bids. Owing to a misunderstanding between the city officials and the police officials, until January of the present year the police purchased their supplies in the open market and not from the city contractors. At present, however, it is understood that the police is a department of the city, like other departments, and their supplies are purchased in the same manner as other municipal supplies.

In this connection, however, there was one important payment made in the month of October to one Señor Fernandez for stationery, which aggregated \$590.05; of this \$482.70 on account of the secretary's office and \$107.35 on account of the auditor's office. The contract for furnishing articles of this class had been let to a different dealer, who allowed 10 per cent discount on the regular market prices, which resulted in this case in a loss to the city of \$59.

The board also found upon investigation that the city was paying much more for gas than was proper under its contract. During the year 1899 the city paid the gas company \$6,256.22. The price should have been \$0.106 per meter, according to the contract with the company, which amounted to \$4,922.53, with a discount of 35 per cent, which amounted to \$1,722.88, leaving the amount due during this period to the company \$3,199.65. The difference between this amount due and the amount actually paid is \$3,056.57, as will appear by the annexed statement of account marked "Appendix B." The board immediately called the attention of the city auditor to this state of affairs, and it was reported to the ayuntamiento, and the board now understands that the matter is being taken up with the idea of obtaining the proper repayment from the gas company.

The board also found that the city was not receiving any part of the \$5,000 a year

due from the telephone company, but at the same time was paying for the telephones used for the various city departments. Upon inquiry the board was informed that this was due to the fact that there was litigation pending between the city and the telephone company and that the matter was in the hands of a committee of the ayuntamiento.

Among the securities returned by the city to various depositors, the board noticed that the bonds returned by order of the secretary of the insular treasury to Señor M. L. Izquierdo and Señor M. Sanchez Gomez did not correspond in their numbers with the bonds enumerated in the secretary's order. The board was informed that this was due to the fact that some of the bonds originally deposited had been redeemed since that time and others substituted. As the number of bonds returned was correct, the board accepted this explanation.

The board further noticed that on July 21 the sum of \$905.54 and the further sum of \$1,717.69 were returned by the city to the owners of the premises 118 and 120 Prado, these amounts being deposits made by them for permission to build an arcade in front of those premises. The history of the return of this money is that on the 22d of May the city passed an ordinance granting the free use of the public land and the space above to the owners of property on the Prado, under certain conditions. The board interpreted this act to mean that only two meters of the land were thus given free and that a rebate of 25 per cent was given for the excess. By a further act of the ayuntamiento of July 1, 1899, these property owners were allowed to take advantage of the act of May 22, 1899, and the latter act was interpreted to mean that they had the free use of the property unless the walls of the houses themselves were extended more than 2 meters. The attention of the city authorities was called to this and it resulted in a further act of the ayuntamiento on March 15, 1900, adopting the previous interpretation given to the act of May 22, 1899, by the city authorities. The board has not seen anything in the course of this correspondence to change its position, but as the return of this money has been ratified the question is closed.

In the course of its examination the board also found that the city of Habana has been making large payments on account of the neighboring municipalities of Santa Maria del Rosario, Guanabacoa, and Regla. We respectfully submit herewith a statement of these expenses, marked respectively appendixes "C," "D," and "E," which give the amounts thus expended and which should be returned by these ayuntamientos to the ayuntamiento of Habana.

The city of Habana has also been paying various amounts for the transfer of prisoners from within its limits to other parts of the island. Under the decree of the military governor of the 20th of May, 1899, this money should be returned to the city by the insular treasury.

According to the books of the city such payments between May 20 and December 31, 1899, amounted to \$808.85 in American money and \$135.55 in Spanish gold. The proper steps should be taken to insure the compliance of the insular treasury with the terms of the decree of the military governor of May 20, 1899.

In examining the accounts of the city with the Bank of Spain, we beg to report that the bank directly collected city revenues as follows:

	United States.	Spanish gold.	Spanish silver.
Quarter ending Mar. 31, 1899.....		\$133,182.20	\$33,764.45
Quarter ending June 30, 1899.....	\$28,213.43	71,424.51	19,549.96
Quarter ending Sept. 30, 1899.....	31,571.09	79,782.57	12,297.16
Quarter ending Dec. 31, 1899.....	29,776.47	83,680.67	13,794.97
Total	89,560.99	368,049.95	79,406.54
The amounts due the bank were as follows:			
Quarter ending Mar. 31, 1899:			
Redemption, interest, exchange, etc.....		119,846.16	
Commission of 3 per cent.....		3,995.46	1,012.93
Running expenses on account of city.....		1,449.11	92.00
Quarter ending June 30, 1899:			
Redemption, etc.....		121,721.67	
Commission.....	621.22	2,142.73	566.50
Expenses.....		2,481.68	
Returned to Paula, contractor.....	7,505.98		
Quarter ending Sept. 30, 1899:			
Redemption, etc.....		123,469.38	
Commission.....	947.13	2,393.48	363.91
Expenses.....		2,183.56	
Quarter ending Dec. 31, 1899:			
Redemption, etc.....		123,089.56	
Commissions.....	893.29	2,509.82	413.95
Expenses.....		2,202.22	
Total	9,967.62	507,384.58	2,474.19

The balances in United States money and Spanish silver, after paying the expenses in such currency, were exchanged into Spanish gold to the value of \$154,800.12, which, with the total receipts in that currency, amounted to \$522,850.07, which was an excess of \$15,465.24 over the expenses in this currency. The custom has been to settle these accounts at the end of each quarter, in pursuance of which the bank paid the city at various times \$42,644.41 and received from it \$27,179.17; the difference of \$15,465.24 exactly balances the amount shown due.

The city should have received from the bank 67,115 coupons No. 40, but has received 231 less; it should have received 67,020 coupons No. 41, but has received 501 less; it should have received 66,910 coupons No. 42, but has received 2,632 less; it should have received 66,800 coupons No. 43, but received 49,358 less. The city should have received, and did receive, 95 bonds redeemed during the first quarter of 1899; for the second quarter it received only 93 out of 110 redeemed; for the third quarter it has received all the 110 bonds redeemed, and for the fourth quarter it has received 101 out of the 110 redeemed. The bank must therefore turn over to the city 52,722 coupons which fell due in 1899, worth \$79,083, and 26 bonds worth \$2,600; total, \$81,683.

In addition, the bank owes the city some 400 coupons (the exact number has not been ascertained) from previous years. The board respectfully recommends that a definite settlement of this coupon account be made between the bank and the city, and an arrangement be made for the future that unless the bank produces all the bonds and coupons which have fallen due and for which the city has paid it within one year the same shall be charged back to the bank until they are surrendered to the city.

The commission also proceeded to examine the accounts of the Bank of Commerce, which acted as trustee for the second city mortgage of \$3,000,000, from the original documents on file in the auditor's office, and found these accounts for 1899 correct, and on checking them against the cashier's statement of the amounts paid on this account found that the two agree. The system of payment of the Bank of Commerce is an excellent one. The city renders an account of the bonds and coupons outstanding to the bank, and thereupon sends it the amount necessary to cover the grand total. Within a month thereafter the bank renders its account to the city, and surrenders the bonds and coupons which have been presented for payment. It also renders an account of its charges for commission and exchange. When these amounts are less than the amount previously paid to the bank on account of the current quarter (as they generally are) the bank makes them good by returning the balance in cash to the city, and the amount thus returned is kept in a separate fund, against which the bank draws as fast as more bonds and coupons come in to be redeemed, upon surrendering the latter to the city cashier.

An examination of the accounts of the cárcel showed that the average expense per prisoner was about \$125 a year. It was impossible to get an exact statement of this average without devoting an amount of study and time to this matter which would be wholly beyond its importance, because the cárcel has been furnishing rations to the woman's prison, the vivac, etc.; but the above average is closely correct, after allowing for the rations furnished outside the prison. For the purpose of comparison it may be interesting to note that the average annual price per person fed in various institutions is as follows: Presidio, \$153.29; cárcel, \$125.67; Asilo de San José, \$141.26.

There are a number of payments which have been made by the city and for which the board has been unable to find any legal authorization, as they were apparently made only upon the order of the mayor. According to the ley municipal the mayor has only the authority to order payments in accordance with the annual budget, and according to the ley de contabilidad all contracts which involve the payment of over \$1,000 should be let by auction. These requirements have not always been complied with. The amounts which are subject to this criticism may be divided, first, into repairs made under the stress of circumstances, when immediate action was necessary, and second, the return of some taxes previously paid.

The items are as follows: Painting Casas de Socorro, \$170.50; repairing, \$455.27; ice box for corpses at the morgue, \$944. These expenditures were made by order of the chief of the sanitary service of the city, on his own responsibility, without consultation with the mayor or council, and were later paid by order of the mayor.

In March, 1899, \$582.20 was paid for repairs on the slaughterhouse. This is said to have been by order of Major Davis, then sanitary officer of the city.

In the latter part of the year 1899 the city paid the following sums for repairs in the collector's office after receiving bids for the work, viz: Repairs in general, \$1,460; desks, \$143; furniture, \$673.80; carpenter work, \$162; water cooler, \$37.10.

In February, 1899, the city paid \$679.52 for repairs to buildings; in September it

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paid \$280 for furniture in the treasurer's office; in October \$153 for furniture in the cárcel and \$356 for repairs to the auditor's office.

The amounts returned were as follows:

Pay Order.	Date.	Purpose.	Name.	Amount.
9	July	Subsidio Industrial	R. Mesorra	\$13.05
530	Sept	do	Ramon Lopez	22.13
539	do	Alcohol tax	Juan Cobo Ruiz	30.00
552	do	do	Alvarez Plano	30.00
864	Oct	Subsidio Industrial	M. Rodriguez	10.31

(No explanation furnished.)

The city also returned \$19.86 to G. R. Rueloba for subsidio industrial in May by pay order No. 862. The examination of the expediente authorizing this return showed that only \$5.56 should have been returned. It also paid the town of Regla in August \$40.33, which is said to have been by virtue of a sentence of the tribunal contencioso, a copy of which sentence the board has not been able to procure.

INCOME OF THE CITY.

A summary of the debit side of the cash account of the city is shown in Appendix A. This includes a number of bookkeeping transactions, and does not represent the gross income of the city. The condition of the city's regular collections is better shown by Appendix F, which is more in detail and contains a comparison of the collector's accounts with those of the treasurer. It will be noticed immediately that in many items the treasurer has apparently received more than the collectors have stated in their accounts, and in other items less. The explanation of this apparent discrepancy is that the accounts of the collectors, the accounts of the auditor's office, and the accounts of the treasurer were kept with different classifications. It would require several months' work to follow each item through these various accounts and determine accurately whether the city has collected all the income possible, and whether all that has been collected has been accounted for. In fact, the former point can not be determined in any way the board can conceive, for the reason that the method of collection here has always been that the collector was given bills to collect, and the taxpayers came in to pay them when they got ready. If they did not come in a certain time, they paid a fine. The only means used to make recalcitrant taxpayers pay up, except the taxes on fincas urbanas y rusticas, is a system of inspecting the various establishments to see whether they have the necessary receipts or not. If not, they are subject to a special fine. This work of inspection has not been examined by the board.

Appendix G shows the amount of the receipts in the hands of the collectors on December 31, 1899, which were overdue and have not been paid. A comparison of these with the amounts collected will show the defects of the present tax system, but in no way reflects upon the efficiency of the collectors themselves, as they are merely receiving tellers.

To return to Appendix F. The greatest discrepancy is in the accounts of the "Subsidio Industrial," "Occasional," the "Subsidio of 30 per cent," and the "Impuesto Industrial," which shows \$44,834.27 more received by the cashier than was collected by the collectors. This is, however, practically balanced by the entries in "Cuotas de Patente," which show a deficit of \$40,666.70; of "Patentes de Alcohol," which show a deficit of \$4,144, and the "Multas por Subsidio," which show a deficit of \$33.44. These accounts, in particular, are inextricably confused in the books of the collection department and of the treasurer. The other discrepancies, as shown in this appendix, are all for small amounts, and the totals of these discrepancies come within \$290.61 of balancing each other. In an account involving over \$2,000,000, as this does, such a discrepancy is slight, and may be due to purely clerical errors, either in the city books or in the work of the board itself. After a most careful investigation of these accounts the board is unable to account for this discrepancy.

In considering this appendix, however, it must be remembered that Señores Aulet and Otero were the old collectors who continued in office until September 20, 1899, when they were succeeded by the other four collectors, Señores Costales, Mestre, Carricarte, and Osuna, and when Señores Aulet and Otero ceased to be the city's collectors, they proceeded to make a statement of their accounts with the city auditor. The books of these collectors show on the debit side all the various receipts

which from time to time the city auditor had issued to them to collect; on the credit side appeared the cash which they had turned in to the city treasurer. The difference between these two sums represented the bills which at various times had been canceled, or which they had surrendered to the city auditor at the time when they ceased their duties. When any receipts were declared to be noncollectible, a proper entry was made in the books of these old collectors, which was signed by the city auditor.

As has already been mentioned, one of the results of the decrees of the military governor of the island, of February 10, 1899, remitting all taxes for the year 1898 not paid before January 1, 1899, was that all the uncollected receipts in the hands of Señor Aulet for this period were surrendered and canceled. The total amount of these receipts was \$132,999.37. None of the classes of taxes which Mr. Otero was charged with collecting were affected by this decree.

This amount was so large that the board deemed it advisable to compare the receipts themselves with the lists made of them. With this object in view it addressed a communication to the auditor of the city on the 17th of March, requesting him to send such receipts for examination. The board was informed that the department of collections had charge of these receipts, and addressed a communication to the latter, making the same request on March 20. As the receipts were not forthcoming, the board addressed a further request to the mayor on the date of March 22, stating that there seemed to be some question between these two departments as to which was responsible for these receipts, and requesting him to determine the matter and obtain the necessary documents for our use. From that time to the date of this report such documents have been slowly coming in, and do not at all correspond with the total of the receipts stated to have been surrendered by Mr. Aulet, and which were receipted for by the auditor of the city.

Señor Aulet is, of course, free from all responsibility in this matter, as he has the receipt of the auditor for all these canceled receipts which he turned over, but as the discrepancies between the receipts found and those which should have been produced was so great, the board, with the hearty approval of Mr. Aulet, proceeded to send letters to various of the largest taxpayers in the city of Habana requesting them to state whether or not they had actually paid these taxes which had been remitted, and the receipts for which were supposed to be in the auditor's office. A large number of these responded, and in no case did the board find that any of these surrendered receipts had been paid.

The board proceeded to make an informal verbal inquiry as to the reason of this discrepancy, and was informed that these receipts were stored in gunny sacks in the basement of the ayuntamiento, in which they were placed in September last, at the time when the repairs were being made in the ayuntamiento building, and that they were not arranged and nobody knew how many there were there. The cause of this method of storage, the board was informed, was that at the time of these repairs, in September last, when the auditor, Mr. Nodarse, was in the United States, it was necessary to get a large amount of old furniture out of the way, as a result of which several cartloads of papers, among them these receipts in question, were thrown into the street and carted away as waste paper. Upon the attention of the authorities being called to this matter efforts were made to recover them, with the result that many papers which are vouchers for very large amounts of money can not be found. The extent to which this mischance has affected the work of this board and has made it impossible to properly audit this part of the city's finances is shown by the annexed Appendix H.

When Messrs. Aulet and Otero ceased in their duties as collectors in September last, they turned over the uncollected receipts then in their possession to their successors, who were charged with this amount, and the former were credited with the same amount. This, therefore, transferred the responsibility for the collection of such receipts to the new collectors.

In examining the accounts of the auditor's office with the present collectors, the board found that the system had been to charge them with the receipts issued and credit them with the cash turned in, and, as has been above stated, on December 31 a statement of their accounts was made with the auditor's office by examining the receipts on hand at that date. The total of these receipts on hand, together with the amount of cash which these collectors had turned over to the city treasurer and the number of canceled receipts (pajas) corresponded with the amount of receipts issued to them, thus proving their accounts. These uncollected receipts, having passed into the accounts of these collectors for the year 1900, will be subject to any audit that may be made of the transactions of that year.

In examining the accounts of these collectors the board has also been unable to check them off to a cent against the treasurer's statement of cash received. The discrepancy

cies, however, have been small in amount, and the explanation given in the discussion of Appendix F applies to their accounts also. The board takes this occasion to repeat that it has seen no indication of dishonesty on the part of any of the city employees.

Accepting the cashier's statement (Appendix A) and the board's more minute classification of income (Appendix F) as correct, it seemed of special importance that the board present a statement of the actual net income and expenses of the city. Neither Appendix A nor F presents this result, as they contain certain bookkeeping entries and do not contain any statements relative to the amounts collected and expended by the Bank of Spain by virtue of the city's first mortgage, under which the bank is trustee. The board has therefore eliminated from the statement of income as given in Appendix A the following items: Balance on the 14th of January; loan of \$7,000,000; purchase and sale of gold; Bank of Spain, and also the item which referred to the section of hygiene, which is not a source of city income under any circumstances. In addition to this it has eliminated the amounts turned over to the city by General Ludlow, as those are extraordinary income. The board has also eliminated from the statement of expenses of the city the bookkeeping items of purchase and sale of gold; for personnel and material of the section of hygiene, and the amount deposited to the special account of that section; the amount paid to the Bank of Spain and paid on account of the loan of \$7,000,000. It has also separately treated the amounts paid out as "devoluciones" because these represent a peculiar situation of affairs already explained under the head of payments; also the old notes of the city coming due in the year 1899; the amounts against the entry "Secretaría de Hacienda" (Cordilleras), as this latter represents only advances made on the part of the city which the island treasury will have to repay hereafter; and the amount paid by order of General Ludlow, which is an extraordinary expense. With this explanation the following summarized statement of income and expenses shows the amount actually received by the city from various sources, from the Bank of Spain, and from General Ludlow separately, against which are offset the regular expenses, the expenses of the Bank of Spain and the extraordinary expenses of "Devoluciones," "Cordilleras," notes due, and the amounts paid by order of General Ludlow, also separately stated:

Statement of income and expenses, 1899.

INCOME.

	United States.	Spanish gold.	Spanish silver.
Regular.....	\$931,918.18	\$206,224.97	\$26,070.65
Bank of Spain.....	89,560.99	368,049.95	79,406.54
Ordinary income.....	1,021,479.17	574,274.92	105,477.19
From General Ludlow.....	439,431.22	97,775.61	.....
Total	1,460,910.39	672,050.58	105,477.19

EXPENSES.

Regular.....	\$876,456.99	\$900,684.90	\$28,098.98
Bank of Spain.....	9,967.62	507,384.88	2,474.19
Ordinary expenses.....	886,424.61	1,108,019.78	30,568.12
Repayments.....	2,478.33	19,688.40	114.02
Transporting prisoners.....	714.84	115.55	.....
Notes due.....	4,730.57	11,000.00	.....
General Ludlow.....	6,389.39	5,641.08	.....
Total	900,737.74	1,144,409.71	30,682.14

Reducing all these figures to Spanish gold, the balance of gross income over gross expenses is \$206,147.69. The balance given as cash on hand on December 31, 1899, is \$3,821.58 more, which is explained by the fact that the above account does not include the balance on hand January 14, 1899, and does include a payment made by the city to the Bank of Spain on January 16, 1900, in settlement of a balance due for the last quarter of 1899.

A comparison of this statement with Appendix F, which was taken from the city's cashbook, shows that in the above statement the city's income from all sources except those collected by the Bank of Spain amounted to \$1,701,420.63 in mixed currencies.

In Appendix A, deducting the amounts set out as received from the Bank of Spain, loan of \$7,000,000, sale and purchase of gold, section of hygiene, and balance on January 14, 1899, the gross amount of income is the same, i. e., \$1,701,420.63, thus proving these statements exactly.

There are two matters connected with the income of the city which require special mention. The most important is the collection of the "censos fijos," which are charges made upon real estate, usually by decedents, in favor of the city. The capital value of these is \$256,596.20, and which, at 5 per cent interest, the amount of the charges, amounts to \$12,829.81 per annum. Of these amounts the city collected in the year 1899 only \$525.56. An examination of the old city books shows that the collection of this source of income has been neglected for more than twenty-five years past, and it is probable that many of these charges have lapsed, through the laches of the city in not taking the necessary steps to collect them, through the action of the statute of limitations. This matter has also been complicated by the various decrees of General Blanco and their extension by the military governor of the island during the last four years. On May 17, 1896, General Blanco extended the time of payment of all mortgage debts and "censos" due, or to become due, until the 30th of April, 1897. By a decree on the 19th of April, 1897, the time was further extended until March 21, 1898, with the exception that when the censos were imposed upon urban real estate which was rented the collections could be made from the rent, and in the case of the rural real estate in the province of Habana, which was productive, the collections could be made from the products to 50 per cent of the amount due. This last decree was further extended by another order of General Blanco on March 5, 1898, until March 31, 1899. Orders of the headquarters of the Division of Cuba on March 29, 1899, further extended the same decree to the 30th of April, 1899, and Order No. 46, of the same headquarters, under date of April 24, extended the time of "the collection of all obligations" whereby it may be necessary to sell property its products until the 1st of May, 1901. This decree was further modified by Order No. 69, limiting the extension to May 1, 1900, and excepting such debts as accrued after the 1st of December, 1898, which might be collected from the rents the urban property or the rents and products of rural property. Until the 30th of April, 1899, the city was therefore able to proceed to take steps to protect its rights far as obtaining an attachment upon the property which had not paid, but the board understands that no action was taken. The board therefore respectfully commends that this matter be made the subject of an immediate investigation by the city authorities and that they be instructed to take such steps as they may be advised by counsel as practicable to protect their rights in these matters and recover the arrears which are due. As it is an open question whether the statute of limitations does not still run, the importance of immediate action in this matter is apparent.

The legacy of Señor de la Cuesta consisted of a deposit of bonds, which the Bank of Commerce holds as trustee, and two houses. The interest on these bonds has been regularly paid over to the city, and has formed part of the school fund for which the legacy was intended. One of the houses has been rented, but the other has neither been rented nor used. Upon investigation in the secretary's office the board found two old expedientes referring to these houses. The last date in these expedientes was July 18, 1891. During the year 1899 this property has been allowed to remain unused and unrented and is said to be in ruins. The board respectfully submits that this matter should be called to the attention of the city authorities, and such action should be taken to use, rent, or sell this property as may be most advantageous to the city, and that an investigation be made in order to determine whether the property has not been improperly used during the past nine years and whether the city can not recover the value of such use.

An examination of the assessment lists of the urban real estate and the lists of those who pay "subsidio industrial" taxes shows that both are sadly deficient, and the board is of the opinion that a fair and just new assessment would increase the income of the city from these sources several hundred thousand dollars. This does not, however, under the existing law, lie within the power of the ayuntamiento.

CONCLUSION.

The board regrets that it has had to spend so much time in this examination and yet has been unable to make a complete and minute report to a cent of the city's finances during the past year. The difficulties attending the transitory character of the present government and the uncertainty of the laws explain this delay and incompleteness. In addition to this, while the board has met with invariable courtesy on the part of the city's employees, especially on the part of Mr. Gomis, of the secretary's

office, and Mr. Martinez, of the auditor's office, it has been very much delayed and hampered in its work from the fact that the office hours are different in the different departments of the city, and that it has been obliged to suspend its investigations for hours at a time on certain particulars until the officials in charge of the necessary records should come to the ayuntamiento building.

In addition, the board wishes to repeat that it has seen no indication of personal dishonesty on the part of any city employee, and it will be seen from Appendix A that the expenses of the city have been well within the amount of its income. In this connection, however, it must be remembered that almost one-fourth of this income was received from the island treasury and not from the normal sources. In view of this fact, it should be expected that the policy of the city during the past year would be toward the greatest possible economy. While the board does not think there has been a policy of extravagance, it is of the opinion that a greater economy of administration during the past year was possible, especially in the arrangement of the office hours of the employees and in the use of common labor-saving devices. The board is also of the opinion that if the various recommendations which it has made in this report are followed out the saving to the city would amount to a large sum—for example, in the matter of the gas contract alone—and that the income of the city could be increased as above stated by several hundred thousand dollars in the "fincas urbanas" and "subsidio industrial" taxes and the amounts due from "censos fijos."

In conclusion, the board desires to state that, although this report throughout has seemed critical, it understands that its duties were to examine and report, and if the matters intrusted to its charge were above criticism there would be no necessity of any report. In spite of the many defects which have been pointed out, the board realizes that the situation during the past year was extremely difficult, owing to the necessity of employing Cubans as city officials who had had no previous experience in municipal administration under the Spanish Government, owing to the transitory condition of affairs necessarily attendant upon a change of government, and owing to the confused and confusing system of laws in force at a time when the old laws had not lost their validity and no new complete system had been substituted for them; but, instead, there were a succession of modifications and changes which made the rights of the city and the duties of its officers undetermined and undeterminable. In view of these considerations, the board desires to state that the administration of the city finances during the past year was carried on with undoubted honesty of purpose, with many improvements over the old Spanish inefficient system, and with credit to those who were intrusted with its administration during such a trying period.

J. N. CASANOVA.
ANTONIO GARCIA BRITO.
OSGOOD SMITH.

HABANA, April 9, 1900.

APPENDIX A.

Movimiento de Caja en la Depositaria Municipal desde el 15 de Enero hasta el 31 de Diciembre de 1899.

Ingresos.	Moneda americana.	Oro español.	Plata española.	B. B. Español.
	Pesos.	Pesos.	Pesos.	Pesos.
A saldo el 14 de Enero según acta.....	118.98	1,657.36	104.81	25.44
Consumo de ganado.....		76,097.70	92.80	
Subsidio industrial.....	241,846.72	38,006.97	9,764.50	
Sellos municipales.....	52.25		132.50	
Certificados.....	674.00	76.40	43.60	
Licencias.....	41,637.71	4,310.43	892.69	
Alquileres y venta de terrenos.....	584.29	150.70	6.07	
Asilo "San José".....	320.00	144.00	82.15	
Cloacas.....	4,722.24	1,300.55	231.65	
Servicios de agua.....	15,031.55	4,937.80	610.78	
Censos fijos.....	121.88	376.77	26.91	
Finca urbanas.....	234,823.33	30,509.92	7,260.64	
Cuotas de patentes.....	10,603.76	13,462.80	3,319.24	
Vendedores ambulantes.....	1,064.00	3,581.74	926.48	
Multas.....	27,391.60	996.10	1,217.96	
Mercado de Tacón.....	1,265.59	643.00	109.49	
Ingresos extraordinarios.....	3,144.28	2,555.18	151.54	
Cuidado de caballos de labradores en los mer- cados.....	642.81		186.49	
Arbitrio sobre carbón.....		6,401.34		



COLON PARK. NORTHEAST CUARTON. APRIL 1, 1900. 'IMPROVED SECTION.'



COLON PARK. NORTHEAST CUARTÓN. APRIL 1. 1900. 'IMPROVED SECTION.'



COLON PARK. SUPERINTENDENT'S HOUSE. IMPROVED SURROUNDINGS. APRIL 1, 1900.

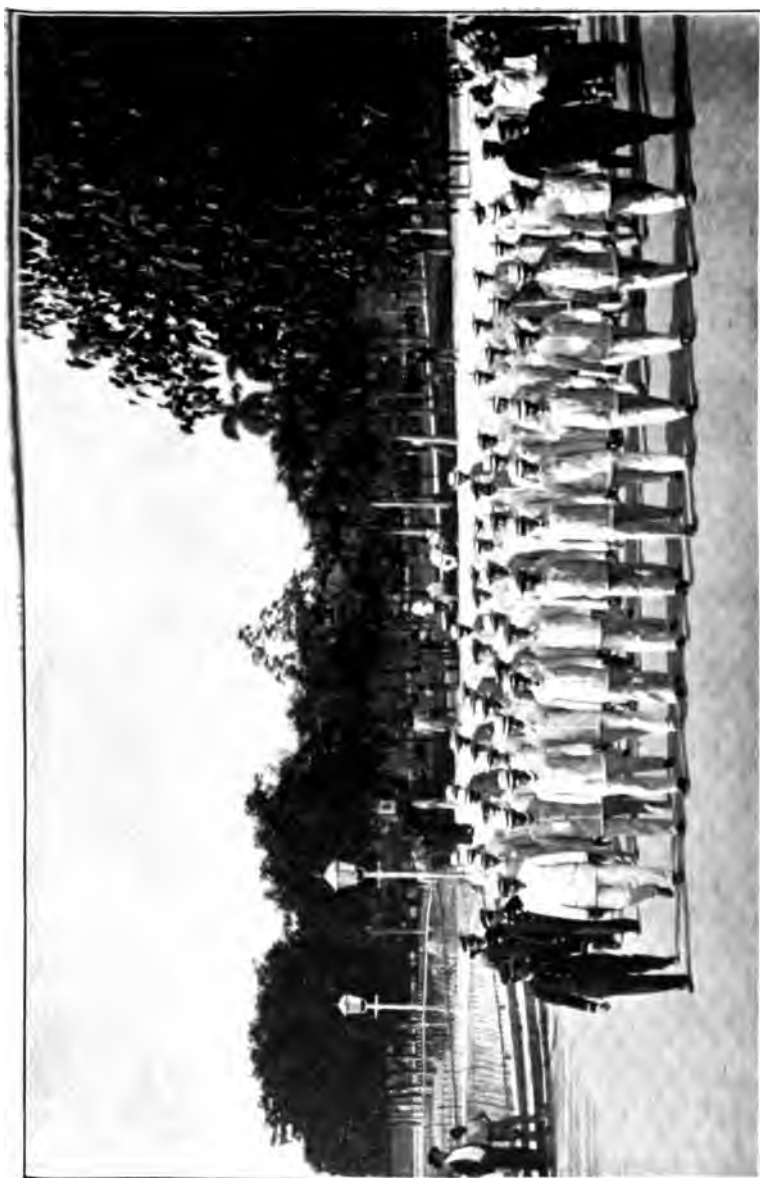


COLON PARK. SUPERINTENDENT'S HOUSE. APRIL 1, 1900.





SUPERINTENDENT AND INSPECTORS.



PARK GUARDS.

Movimiento de Caja en la Depositaria Municipal desde el 15 de Enero hasta el 31 de Diciembre de 1899—Continúa.

Ingresos.	Moneda americana.	Oro español.	Plata española.	B. B. Español.
	<i>Pesos.</i>	<i>Pesos.</i>	<i>Pesos.</i>	<i>Pesos.</i>
A saldo el 14 de Enero según acta—Continúa.				
Arbitrio sobre madera y leña	1,430.00	1,028.16		
Ganado de lujo		1,075.50	20.50	
Empréstito de \$7,000,000.		5,686.06		
Hospital Aldecoa		154.05	3.45	
General Ludlow, remesas para atenciones municipales	439,431.22	97,775.61		
Sillas en los paseos	338.25	3,482.49	183.26	
Corrección pública	1,303.56	505.10	517.12	
Obras municipales		178.12	45.21	
Venta compra de oro		321,791.71		
Corral de Concejo.	104.67	31.84	3.28	
Reintegros	1,213.37	5,971.11	53.34	
Banco Español		36,958.35		1,429.47
Patentes de alcoholes.	71,411.00			
Legado de Romualdo de la Cuesta		540.00		
Multas por subsidio.	158.34			
Derchos de matanza	92,358.52	1,377.21		
Sección de Higiene	1,357.00	3,100.31	757.90	
Limpieza de letrinas	3,020.00			
Registro pecuario	1,575.05			
Derecho de corral	121.00			
Fincas rústicas	1,015.88			
Terreros de la ciénaga (arrendamientos)		1,555.18		
Censos de la ciénaga	26.00			
Mercado de Cristina		50.00		
Arbitrios sobre perros.	7,083.50			
Medallas para perros	745.00			
Resultas de presupuestos anteriores	166,065.03	3,725.31		
	1,372,825.38	673,194.37	28,965.85	1,454.91
Egresos.	Moneda americana.	Oro español.	Plata española.	B. B. Español.
	<i>Pesos.</i>	<i>Pesos.</i>	<i>Pesos.</i>	<i>Pesos.</i>
Por Personal de Secretaría	39,406.47	10,881.64		
Personal de Contaduría	18,495.33	4,896.90		
Personal de Depositaria	4,115.00	965.52	7.77	
Policia Urbana personal	336,813.68	117,806.71		
Policia Urbana material	56,212.15	10,559.04	20.36	
Policia Rural personal	59,763.76	15,516.35	40.00	
Policia Rural material	18,086.47	1,256.98	40.04	
Derechos de visitas de inspección		45.00		
Mataderos personal	17,383.50	4,161.09	1,917.08	
Hospital Aldecoa		667.35		
Devoluciones	2,478.33	19,633.40	114.02	
Parques y paseos personal		397.00	67.05	
Secretaría de Hacienda (Cordilleras)	714.84	115.55		
Obras municipales material		165.15	168.30	
Imprevistos	22,777.63	23,671.88	8,003.99	
Obras municipales personal		572.16	184.18	
Parques y paseos material			94.00	
Mataderos material	5,689.21	3,611.87	94.72	
Servidumbre	4,224.41	1,318.33		
Transuntación de protocolos antiguos		125.00		
Alcaldia, Tenencias y Alcaldías de Barrio	22,366.22	10,495.41	615.55	
Honorarios de letrados	2,700.00	581.83	15.55	
Policia Municipal, antigua personal	150.00	9,748.90	1,111.82	
Servicios de incendio material	3,519.59	7,362.73	298.99	
Entretimiento de edificios	211.97	1,106.13	184.70	
Corrección pública material	47,241.14	23,107.69	1,379.60	
Material de oficinas	8,929.70	3,709.47	402.85	
Asilo "San José" material	7,138.90	6,867.04	1,144.80	
Servicios de incendio personal	5,855.37	1,616.59	212.09	
Beneficencia pública		1,509.66	377.40	
Antigüedades de censos		804.30	174.82	
Limpieza pública		500.08	55.52	
Servicios sanitarios material	9,249.59	4,653.78	212.18	
Asilo "San José" personal	4,259.43	1,149.31	87.99	
Relojos de parroquias		23.12	5.78	
Instrucción pública personal	13,345.00	11,600.53	876.13	
Instrucción pública material	450.99	9,660.60	1,545.51	
Venta compra de oro	294,524.06	1,657.84		1,453.64
Correaje			2.44	
Comisión de cobranza	14,179.43	4,651.49	1,141.58	1.27
Alumbrado público	71,256.22	28,768.72	4,791.24	
Electos y mobiliario	5,468.45	1,728.40	67.07	

Movimiento de Caja en la Depositaria Municipal desde el 15 de Enero hasta el 31 de Diciembre de 1899—Continúa.

Egresos.	Moneda americana.	Oro español.	Plata española.	B. B. Español.
Por Personal de Secretaría—Continúa.	Pesos.	Pesos.	Pesos.	Pesos.
Pagares vencidos	4,730.57	11,000.00		
Policia Municipal antigua.....material		83.50	328.18	
Servicios sanitarios.....personal	22,299.61	489.15		
Gastos de litigios.....personal		328.70		
Corrección pública.....personal	16,013.88	2,900.65	16.50	
Dietas de pobres enfermos.....personal		2,462.94	615.78	
Gastos menores.....personal	172.76	455.00	125.00	
Hospital " Mercedes".....personal	4,996.62	9,512.28	1,143.52	
Jubilaciones y pensiones.....personal	8,939.48	1,314.76	87.40	
Higiene.....personal		1,696.51	156.00	
Higiene.....material		618.45	546.04	
Transferencia á la Caja especial de Higiene del saldo el día 8 de Mayo del presente año.	1,357.00	785.35	55.86	
Asilo " La Misericordia".....personal		716.65	33.32	
Alquileres de casas escuelas.....personal	241.61	8,888.70	465.48	
General Ludlow, pagado por su orden.....personal	6,389.39	5,641.08		
Empréstito de \$3,000,000.....personal	28.18	240,070.20		
Quebranto de moneda.....personal	458.26			
Subvención al Cuerpo de Bomberos del Comercio.....personal	1,090.00	16,233.69		
Banco Español.....personal				
Medallas para perros.....personal	185.45			
Legado de Don Romualdo de la Cuesta.....personal	328.63	208.00		
Resultas de presupuestos anteriores.....personal	14,965.05	6,190.41	1.90	
Personal de mercados.....personal	1,802.32	120.00		
Recogida de perros.....personal	767.91	97.00	55.80	
Empréstito de \$7,000,000.....personal		10,000.00		
Embarque de reconcentrados.....personal	194.40	386.38		
Personal de recaudaciones.....personal	9,528.31			
Multas por subaldio.....personal	106.56			
Material de mercado.....personal	17.00			
Gastos de festejos.....personal		31.00		
Saldo el 31 de Diciembre.....personal	1,186,651.18	668,016.72	28,965.85	1,454.00
	186,174.20	5,177.65		
	1,372,825.38	673,194.37	28,965.85	1,454.00

Habana, Diciembre 31 de 1899.—El Depositario, A. G. Osuna.—Conforme: El Contador, O. Nodarse.
Vto. Bno.: El Alcalde, Lacoste.

Movimiento de la Caja de la Sección de Higiene desde el 8 de Mayo al 31 de Diciembre de 1899.

Ingresos.	Moneda americana.	Oro español.	Plata española.
Á saldo el 8 de Mayo según el libro de Caja del Ayuntamiento y movimiento de la misma publicado hasta el 31 de dicho mes.....personal	Pesos. 1,357.00	Pesos. 785.35	Pesos. 55.86
Contribuciones.....personal	34,478.30	44.00	62.70
Cartillas.....personal	2,740.00		828.00
Licencias.....personal	3,828.00		
Multas.....personal	982.50		
Resultas del presupuesto anterior.....personal	15.00		
	43,345.80	829.35	441.60
Egresos.	Moneda americana.	Oro español.	Plata española.
Por Personal.....personal	Pesos. 20,304.66	Pesos. 0.92	Pesos. 5.00
Material.....personal	10,227.07	828.43	436.61
Saldo el 31 de Diciembre.....personal	30,581.73	829.35	441.61
	12,814.07		
	43,345.80	829.35	441.61

A. G. Osuna.—Conforme: El Contador, O. Nodarse.—

APPENDIX B.

Demonstración de los pagos efectuados á la Compañía de Gas y Eléctrica por alumbrado de las estaciones de policía en las fechas que á continuación se expresan.

Meses.	Fechas del pago.	No. metros.	Importe.	Des-cuento.	5% Líqui-do.
			<i>Pesos.</i>	<i>Pesos.</i>	<i>Pesos.</i>
Febrero	Mayo 16	1,284	179.76	8.98	170.78
Marzo	Mayo	2,707	378.98		378.98
Abril	Junio 6	2,845	538.28		538.28
Mayo	Junio 14	4,850	679.00		679.00
Junio	Julio 11	4,278	598.84	29.95	568.89
Julio	Agosto 16	4,253	595.40	29.78	565.62
Agosto	Septiembre 15	4,584	641.80	32.09	609.71
Septiembre	Octubre 13	4,571	639.97	32.00	607.97
Octubre	Noviembre 14	4,727	661.82	33.09	628.73
Noviembre	Diciembre 12	5,194	727.23	36.36	690.87
Diciembre	Enero 12	5,146	860.41	43.02	817.39
Totales		46,439	6,501.49	245.49	6,256.22

Los 46,439 metros consumidos al precio de \$0.106 por metro cúbico, según contrato debieron importar..... \$4,922.53

Menos el 35 por ciento de descuento..... 1,722.88

Debió quedar reducido á..... 3,199.65

Y como la cantidad satisfecha á la compañía de alumbrado es según se demuestra..... 6,256.32

Resulta un saldo á favor del Ayuntamiento de..... 3,056.57

Habana, Febrero 16 de 1900.
[SELLO.]

ORENCIO NODARSE, Contrador.

APPENDIX C.

Cantidades satisfechas por cuenta del Ayuntamiento de Santa María del Rosario.

1900.	No. del libramiento.	Alquileres.		Sueldos.		Totales.	
		Oro español.	Oro americano.	Oro español.	Oro americano.	Oro español.	Oro americano.
Mayo	571				\$1,876.36		
	594		\$28.93				\$1,905.29
Junio	832				1,841.13		
	974		14.57				1,855.70
Julio	1081				1,948.01		
	1184	15.90				15.90	1,948.01
Agosto	72				948.33		
	160		14.45				962.78
Septiembre	310				1,519.61		
	435	15.90				15.90	1,519.61
Octubre	616				1,499.69		
	746	15.90				15.90	1,499.69
Noviembre	893				1,446.00		
	1085	15.90				15.90	1,446.00
Diciembre	1184				1,514.33		
	1326	15.90				15.90	1,514.33
		79.50	57.95		12,508.46	79.50	12,651.41

NOTA.—El Ayuntamiento de la Habana ha satisfecho las cuentas de leña y forraje, según libramientos Nos. 639, 1179, 1344 y 192, por valor de \$63, \$37.40, \$194.23, \$2,062.52 y \$190.08 oro americano; las de viveres No. 636, por \$6,166.80 oro americano; las de carne Nos. 594, 641, 925 y 1234, por \$484.22, \$665.23, \$2,136.16 y \$904.63 oro americano; las de monturas y yaquiones No. 906, por \$2,201.49 oro americano; la de ropa No. 1234, por \$743.90, y la de sombreros No. 1082, por \$41 oro americano; todas con cargo á la "Guardia Rural," sin que no conozcan las cantidades que por cada concepto corresponden al Ayuntamiento de Santa María del Rosario.

José J. GARCÍA.

APPENDIX D.

Cantidades satisfechas por cuenta del ayuntamiento de Guanabacoa.

1899.	No. de libramientos.	Ferreteria.	Reparaciones.	Muebles.	Equipos.	Alquileres.	Sueldos.		
		Oro español.	Oro español.	Oro americano.	Oro americano.	Oro español.	Oro americano.	Oro americano.	Oro español.
Mayo	654			\$14.40					
	590				\$3,709.30				
	596						\$28.93		
	571							\$2,019.99	
Junio	892	51.10					14.57	2,123.37	
	974								51.1
	832								
Julio	1258		9.70						
	1184					15.90		1,915.61	25.6
Agosto	180						14.45		
	72							2,564.66	
Septiembre	435					15.90		2,516.97	15.9
	310								
Octubre	746					15.90		2,477.96	15.9
	616								
Noviembre	1085					15.90		2,484.00	15.9
	892								
Diciembre	1326					15.90		2,403.31	15.9
	1184								
	.....	51.10	9.70	14.40	3,709.30	79.50	57.95	18,505.87	140.3

NOTA.—El Ayuntamiento de la Habana ha satisfecho también las cuentas y forraje unidas á los libramientos Nos. 639, 1179, 1180, 1344 y 192, por respectivamente, de \$63, \$37.40, \$194.28, \$2,082.52 y \$190.08 oro americano; las de carne libran 908, importante \$2,301.49 oro americano; la de ropa libramiento No. 1234, importante \$743.90 oro americano, y la de sombreros según libramiento No. 1082, importante también oro americano; todas con cargo á la Guardia Rural, sin que se computen las cantidades que por cada concepto corresponden al Ayuntamiento de Guanabacoa.

José J.

APPENDIX E.

Cantidades satisfechas por cuenta del ayuntamiento de Regla.

1899.	Libra- miento.	Garter.	Alumbrado.		Alquileres.		Sueldos.		T
		Oro espa- ñol.	Oro espa- ñol.	Oro ameri- cano.	Oro espa- ñol.	Oro ameri- cano.	Oro español.	Oro ameri- cano.	Oro español
Mayo	570 659						1,656.00		1,656.00
Junio	956 967 1002		8.00	\$18.00		\$38.49 19.99 14.60	1,860.61		1,868.61
Julio	1225				21.20		1,798.81		1,820.00
Agosto	62 155 770 44 290 480 760 614 1051 1049 886 1365 1188		16.00		21.20	19.27	\$1,684.00		37.20
			10.50		21.20		2,266.00		31.70
		43.30				52.50	2,376.00		43.80
						35.00	2,349.50		
							3,421.01		
		43.80	34.50	18.00	63.60	179.85	5,315.42	11,096.51	5,457.30

José J.

APPENDIX F.
Estado comparativo de las cuentas de "Revolución" y de "Tesorería" por ingresos durante el año 1899.
RECAUDACIÓN.

Detos.	Varios.	Auilet, libro.	Costales, estado.	Mestre, estado.	Carríoarte, estado.	Otero, libro.	Owuna, estado.	Totales.	Tesorería.	Caja de menos.	Caja de más.
Baldo Enero 14 de 1899, Diario.....	1,881.15							1,881.15			
Consumo de Garrado, Admn. Rastro.....	76,190.50							76,190.50	76,190.50		
Subsidio Industrial.....		82,245.57	55,685.11					137,930.68	137,930.68		
Subsidio Industrial, Hacienda.....	3,135.06	21,944.75	11,692.44					26,772.25	4,128.86		
Impuestos Industriales.....									88,895.96		
Subsidio 30 por ciento.....		70,180.99						70,180.99	4,220.58		44,894.27
Sellos Municipales.....									184.76		
Certificados.....									794.76		
Licencias.....									46,840.88		
Alquileres y Ventos de Terrenos.....									741.06		
Año "San José".....									546.15		682.25
Servicio de Agua.....									20,579.63		40.00
Ciudades.....									6,254.44		
Censos Fijos.....									625.56		84.80
Financas Urbanas.....		182,955.48			39,742.41			272,593.69			
Quotas de Patente.....		61,265.40	6,787.10					68,052.50	27,885.80	40,666.70	
Vendedores Ambulantes.....								5,578.22	6,572.22		
Mulas, Carreteros.....	17,211.66							29,840.66	29,840.66		25.00
Merced de Tucón.....								2,018.06	2,018.06		
Ingresos Extraordinarios (Matadero 8,040.50).....	282.82							5,943.50	5,951.00		7.80
Cuidado de Caballos.....								8.00			
Arbitrios sobre Carbon, Contrato.....	6,401.34							6,401.34			
Arbitrios sobre Madera y Leña, Contrato.....	1,028.16								1,028.16		
Cuando de Lajo.....									2,715.00		
Empleo 97,000,000, Diario.....	5,585.06							5,585.06	5,585.06		
Hospital Aldecoa, Mr. Black.....	57.50							157.50			
General Ludlow, Diario.....	537.06.83							537,206.83	537,206.83		
Sillas en los Pisos, Mr. Black.....	39.40							3,999.00	3,999.00		
Corrección Pública (García), Ecuador.....	228.78							2,825.78	2,825.78		
Quas Municipales, Mr. Black.....	323.83							323.83	323.83		
Venta Compra de Oro, Diario.....	323,824.20							323,824.20	323,824.20		
Carril de Consejo.....									139.79		
Reintegro, Carreteros.....	7,237.82						70.99	7,308.81	7,308.81		
Banco Zapata, Diario.....	86,888.85							86,888.85	86,888.85		
Patente de Aldecoa, Hacienda.....	540.00							71,441.00	71,441.00	4,144.00	
Legado R. de la Cuesta, Expediente.....		71,645.00	3,054.00					74,699.00			
Mulas por Madrid.....			191.68					191.68	191.68		
Percepción de Muebles, Admn. Rastros.....	98,735.73							98,735.73	98,735.73	38.84	
Specimen de Historia, Diario.....	6,215.21							6,215.21	6,215.21		
Limpieza de Letrinas.....						2,115.70	914.50	3,030.20	3,030.20	10.20	

Estado comparativo de las cuentas de "Recaudación" y de "Tesorería" por ingresos durante el año 1899—Continúa.

RECAUDACIÓN—Continúa.

Datos.	Varios.	Aulel, libro.	Costales, estado.	Mestre, estado.	Carricarte, estado.	Otero, libro.	Oeuna, estado.	Totales.	Tesorería.	Caja de menos.	Caja de más.
Registro Pecuário, Estados.	1,573.05							1,573.05	1,573.05		
Derechos de Corral, Estados.	121.00							121.00	121.00		
Fincas Rústicas.		601.07		414.81				1,015.88	1,015.88		
Ciénaga Arrendamientos, Contratos.	4,474.00					81.18		4,555.18	4,555.18		
Mercado de Cristina, Cargaremos.	50.00							50.00	50.00		
Ciénaga Censos, Cargaremos.	25.00							25.00	25.00		
Perros y Perras.						6,495.50	587.00	7,083.50	7,083.50		
Medallas para Perros.						691.75	58.25	746.00	745.00		
Ocupación Vía Pública corriente.							64.04	64.04		64.04	
Resultados Presupuestos Anteriores:											
Subsidio Industrial.		50,531.57	1,048.45					51,580.02	63,683.17	126.76	
Subsidio Industrial, 30 por ciento.		11,639.70	513.37					12,153.07			
Subsidio Industrial, 5 por ciento.			76.84					76.84			
Cuotas de Patente.		1,417.17	18.75					1,435.92	1,417.17	18.75	
Fincas Urbanas.		88,964.87		1,561.49	2,103.73			87,680.09			
Fincas Urbanas, 23 por ciento.		13,234.36		470.90	524.96			14,230.22			
Fincas Urbanas, 5 por ciento.				85.66	131.48			217.14	102,119.99		42.54
Fincas Rústicas.		84.47		44.49				128.96	94.87	34.09	
Acercas antiguas.						37.40		37.40	37.40		
Cloacas.						33.20		33.20	33.20		
Licencias.						2.46		2.46		2.46	
Censos, entrega de Otero a Oeuna.						79.30		79.30		79.30	
Servicio de Agua.						80		80		.80	
Solares Ciénaga.						32.18		32.18	32.18		
Personal, Cargaremos.	3.32							3.32	8.32		
Obligaciones Hipotecarias, Cargaremos.											
Alquileres y Ventas de Terrenos.	1,525.00					2.96		1,525.00	1,725.00	2.96	
Mercado de Cristina, Cargaremos.	387.41							387.41	387.41		
Ingresos Extraordinarios.						11.01		11.01		11.01	
Derechos de Matanza, Cargaremos.	451.58					16.03		467.61	451.58		
Acueducto, R. de P. C.								16.03	16.76	.28	
Ocupación de Vía Públicas.							40.80	40.80	5.25	35.55	
5 por ciento Sobre Arbitrios.							69.12	69.12	4.96	64.07	
7 por ciento Extraordinarios.							1.58	1.58		1.58	
Varios, Cargaremos.	290.61							290.61		290.61	
	1,182,987.47	651,660.40	79,017.74	42,819.76	52,654.58	64,004.68	27,297.39	2,074,985.60	2,074,985.60	45,576.87	45,576.87

S. E. ú O. Habana, Marzo 30 de 1900.

José J. GARCÍA.
I. R. CARRIGABURO.

APPENDIX G.

Relación de los valores pendientes de cobre en la Oficina de Recaudación de este Ayuntamiento el día 31 de diciembre de 1899.

Propios arbitrios, Recaudador Osuna:		
Resultas de presupuestos cerrados, varios.....	\$20, 855. 82	
Ocupación vía pública, 1898-99.....	4, 649. 02	
Ocupación vía pública, corriente.....	1, 532. 09	
Limpieza letrinas, cloacas, arrimos, etc.....	2, 068. 48	
Recargo del 5 por ciento	31. 63	
		\$29, 137. 04
Subsidios, Recaudador Costales:		
Primer trimestre industrial, corriente	61, 529. 38	
Primer trimestre billares, corriente	716. 89	
Chapas para vehiculos, corriente.....	574. 25	
Trasporte y locomoción, corriente.....	63. 00	
Varios, en suspensa.....	62. 07	
Billares, atrasos	845. 35	
Ocasionales, atrasos.....	18. 00	
Tercer y cuarto trimestres de 1898-99 subsidio industrial.	37, 136. 55	
Tercer y cuarto trimestres de 1898-99, 30 por ciento recargo.	19, 887. 90	
Recargo de 5 por ciento.....	2, 850. 19	
		123, 683. 58
Fincas urbanas, Recaudador Carricarte:		
Primer trimestre del 8 por ciento, corriente	26, 011. 51	
Tercer y cuarto trimestres del 8 por ciento de 1898-99...	11, 796. 01	
Tercer y cuarto trimestres del 23 por ciento de 1898-99 ..	4, 873. 58	
Recargo del 5 por ciento.....	831. 99	
		43, 513. 09
Fincas urbanas, Recaudador Mestre:		
Primer trimestre del 8 por ciento, corriente.....	21, 902. 70	
Tercer y cuarto trimestres del 8 por ciento, 1898-99	9, 883. 65	
Tercer y cuarto trimestres del 23 por ciento, 1898-99....	719. 36	
		36, 303. 65
Fincas rústicas, Recaudador Mestre:		
Primer semestre corriente.....	854. 36	
Segundo semestre, 1898-99	570. 34	
		1, 424. 70
Total.....		234, 062. 06

S. E. ú O. Habana, Abril 6, 1900.

LEOPOLDO OLIVA.

APPENDIX H.

Estado demostrativo de los recibos anotados como devueltos por el Recaudador Aulet á la Contaduría á consecuencia del decreto de condonación publicado en 14 de febrero de 1899, de los exhibidos y comprobados de los que resultan faltar.

Habana, Abril 7 de 1900.

1899.		Devueltos.	Exhibidos.	Faltan.
Marzo	24	Condonación subsidio R. de P. C.....	\$12, 745. 88	\$12, 745. 88
	29	Condonación subsidio del primer y segundo trimestres de 1898-99	40, 199. 06	\$33, 667. 91
	28	Condonación cuotas patente R. de P. C	1, 766. 92	6, 581. 15
	28	Condonación cuotas del primer y segundo trimestre de 1898-99	6, 114. 80	1, 766. 92
Mayo	24	Condonación fincas urbanas del 23 por ciento del primer y segundo trimestres de 1898-99.....	46, 657. 36	6, 114. 80
	24	Condonación fincas urbanas 23 por ciento R. de P. C ..	28, 495. 64	28, 425. 45
	11	Decreto marzo de 1899. Subsidio 30 por ciento: Tarifas 2a. v 4a., cuarto trimestre de 1898-99.....	2, 019. 81	18, 281. 91
				23, 495. 54
			132, 999. 37	64, 113. 17
				68, 886. 20

José F. GARCÍA.
LEOPOLDO OLIVA.

CHARTER FOR THE CITY OF HABANA.

Upon assuming charge of the organization of the city government in January, 1900, it was at once evident that the Spanish methods of municipal administration varied in essential particulars from those generally employed in modern communities enjoying more liberal forms of government, and that the city authorities had but vague and circumscribed powers and responsibilities, that made them in every particular dependent upon the action or concurrence of the state authorities.

As the commercial and political metropolis and the seat of Spanish government in the island, it might be expected that certain reservations of state authority might be made, sufficient to guard against intrusions or friction on the part of the local authorities, but in fact there was next to no local authority at all vested in the city, which administratively and economically was little else than a creature and agent of the state, lacking any measure of autonomy and without power even to assess its own valuations or adjust its income to its needs.

Under Spanish rule Cuban cities have not "charters" or individual enactments constituting city governments, prescribing the division and limitations of the administrative services, and establishing the powers and functions of the city as a corporation and of its individual officers and departments. There is no Spanish word for "charter," and the municipal organizations are effected and maintained only under a general municipal law, modified and amended by innumerable "orders," "decrees," and the like, with an officer representing the state at almost every stage of civic administration and responsibility.

Recognizing these defects, but constrained to defer taking action to amend them until full inquiry could be made and in particular a careful investigation of the city finances, sources of revenue, liabilities and current expenses be completed, it was not until near the close of the calendar year that it became practicable from the clearing up of other fields and the reports of the finance commission to undertake means to effect a proper municipal organization. This became the more important that early in the current calendar year consideration was given to preparations for an elective ayuntamiento after the basis of suffrage should have been established and the results of the census become available for the registration of voters.

It seemed especially desirable that the new ayuntamiento should enter upon its duties with a knowledge of the powers and function that each official was to exercise, and with a realizing sense, both of his own part and of those who should vote for him, of the nature and extent of the responsibilities incurred by all the persons concerned.

With this object in view, Civil Order No. 12, of February 9, was issued—a copy of which is attached to the accompanying draft of the charter—constituting a commission of able and experienced men, conversant with Spanish and American law and city requirements, whose collective judgment would command confidence and respect.

Means were taken to place at the disposal of the commission copies of recent charters of American cities, as in the nature of a guide in the formulation of a charter for Habana, the fundamental principle adopted being simplicity, effectiveness, responsibility, and the largest measure of autonomy that could with safety be authorized.

The original order prescribed April 1 as the date on which the draft of the charter should be submitted to the city council and by it to the military governor of Habana for forwarding to the military governor of the island, but this date, being found impracticable, was extended to May 7, when it was sent directly to the division commander, the Department of Habana having been discontinued.

The charter may not be an ideal one in all respects, but as the work of an able body of men, all of them familiar with city administration, and conscientious in their endeavor to apply their best knowledge and judgment for the interests of the city, it will certainly prove a valuable basis of action and an efficient working instrument for a modern and independent city government.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, April 26, 1900.

MR. RAFAEL DE CALZADILLA,
Secretary Habana Charter Commission.

SIR: Replying to your communication of April 25, stating the inability of the Habana charter commission to complete the charter in as finished a form as they desire by the 1st of May, I am directed by the governor of Habana to authorize the extension of time requested to complete the work, namely, to the 7th of May, 1900, and to inform you that upon completion of the charter by that date the same is to be turned in by you to the military governor of the island.

Very respectfully,

H. L. SCOTT, *Adjutant-General.*

HABANA, May 9, 1900.

MAJ. GEN. LEONARD F. WOOD,
Military Governor of Cuba.

SIR: The Habana charter commission, appointed by Civil Orders, No. 12, of the series of 1900, of the headquarters of the Department of Habana, as modified by the orders of said department, dated April 6 and 25, 1900, respectively, have the honor to submit herewith a copy of their completed draft of the proposed charter for the city of Habana for your examination and for such action as you may deem proper.

The changes made in the existing law relate almost entirely to the position of the city in the state, and to its internal administration. In these respects the commission believes that this proposed charter is complete, except that it does not provide for the establishment of municipal courts, for a civil-service system controlling the appointment and promotion of municipal employees, or for a board of education. The commission did not prepare a proposed law for municipal courts, as it is informed that the secretary of justice of your cabinet has already prepared, and perhaps completed, a new decree to submit to you covering this subject. The commission did not take up the preparation of a civil-service law, because such a law requires careful and minute study in order to be of any practical value; and it was of the opinion that it could better devote the limited time at its disposal to the more fundamental reforms which it has endeavored to incorporate in this proposed charter. The commission did not make any provision for a municipal board of education, because this branch of the public service is now exclusively under the administration of the state.

The commission has also adopted the prevailing system of taxation in the island without attempting to modify it for municipal purposes, except by a limitation of the city's initiative in such matters, and by determining the amount of certain taxes which it may impose. To pass beyond this would require a full and complete study of the entire tax system, which is beyond the functions of this commission. It has therefore made only such slight modifications as seemed necessary to meet the local situation.

The commission has also avoided making any changes which would affect the established rights of persons and property, as determined by the existing laws of the island, and has not altered the methods of procedure now established, except in so far as they apply to the sale of property for taxes in arrears. This matter it has placed in the charge of municipal officials, who follow the method of procedure and exercise the powers given to other officials in similar proceedings by the existing code of civil procedure.

The commission does not pretend to claim that the charter which it now has the honor to submit to you is perfect, but it does believe that, with such modifications as you may deem proper to make in it, it will serve, at least for the present, as an effective scheme of establishing and administering an autonomous municipality. Doubtless the experience of the next year will disclose whatever defects and weaknesses may exist, and when these are corrected, in the light of practical experience, the commission ventures to hope that a permanent autonomous government can be established and continued by the city of Habana under this proposed charter.

The translation of this work from one language into another has been made by the members of the commission personally, and they therefore most respectfully suggest that they be permitted to make the translation of any changes you may make under this draft.

Respectfully,

N. ESTRADA Y MORA.
LEOPOLDO CANCIO.
JUAN F. O'FARRILL.
OSCAR FONTS.
CÁRLOS PÁRRAGA.
ORENCIO NODARSE.
J. N. CASANOVA.
ERNEST L. CONANT.
OSGOOD SMITH.

PROPOSED CHARTER OF THE CITY OF HABANA.

[Prepared pursuant to the orders of the military governor of Habana, embodied in Civil Orders, No. 12, of February 9, 1900. Submitted to the military governor of Cuba on May 7, 1900.]

CIVIL ORDERS, }
No. 12. }

OFFICE OF THE GOVERNOR OF HABANA,
Habana, Cuba, February 9, 1900.

Whereas it is the purpose of the American Administration to further as rapidly as practicable the principles of self-government in the island of Cuba, and to this end to provide presently for the organization of ayuntamientos to be composed of persons elected by the people; and

Whereas Habana occupies a unique position in the island, as the commercial and political metropolis and the largest concentration of population and business interests, foreign and domestic; and

Whereas the existing organization of the city government of Habana is defective in many serious respects, lacking coherence and definition of function and distinct declaration as to the duties and responsibilities of the several city officials, and involving complex, unscientific, and ineffective methods of administration; and

Whereas it is important that the new city government of Habana shall possess such an organization, and enjoy such powers and attributes as shall enable it to exercise its functions in the best interests of its people, by methods conforming to modern standards among free and enlightened communities, without the embarrassments and hindrances imposed by the existing laws and regulations: It is therefore ordered:

1. A commission is hereby appointed whose duty it shall be to make a thorough study of the administrative and financial conditions of Habana, and to prepare the draft of a "charter" or special provisional municipal law designed to meet the practical and economic requirements of the city administration of Habana under the new conditions about to be imposed, and in conformity with the best examples elsewhere of enactments of this nature.

2. This commission will consist of the following personnel: Ex-officio president, the municipal alcalde; vice-president, First Teniente Mayor Estrada Mora; members, Messrs. Leopoldo Cancio, Juan F. O'Farrill, Oscar Fonts, Carlos Párraga, Orencio Nodarse, J. N. Casanova, Ernest L. Conant, Osgood Smith.

3. The commission will organize at once, in offices to be provided by the mayor, and will select a secretary and two clerks for the conduct and record of its business.

4. In drafting the provisions of the special municipal law for Habana the commission will consult with the commission appointed by the military governor of the island for the general revision of the municipal laws for the island, with the view to secure harmony between its own work and that of the general commission, in order that the provisions of the special law for Habana shall not be incompatible with the general law when final action is to be taken.

5. The commission is enjoined to use all diligence in the furtherance of the important duty intrusted to it, and to complete the draft on or before April 1, by which date it shall be submitted by the mayor to the city council for consideration and, if

found expedient, amendment. The council will reach its final decision by April 15 and return the instrument to the mayor, who will then transmit it to the military governor of Habana, who will submit it to the military governor of the island for enactment, if approved.

6. To facilitate the discussion and consideration by the council of the special instrument in question, the members of the commission other than those of the council will attend the meeting and be heard, but not vote.

By command of the governor of Habana:

H. L. SCOTT, *Adjutant-General*.

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- Chapter 1. The limits and divisions of the city of Habana.
- Chapter 2. The inhabitants of the city of Habana.
- Chapter 3. The census.

TITLE II.—*Powers of the city.*

TITLE III.—*The city council.*

TITLE IV.—*The government and administration of the city of Habana.*

- Chapter 1. General.
- Chapter 2. Classification of officials; term of office; their appointment and dismissal; vacancies, how filled.
- Chapter 3. Division of administrative service into departments, their powers and limitations. Section I. Division into departments. Section II. Board of control, general powers, duties and responsibilities of officers.
- Chapter 4. The mayor.
- Chapter 5. Finance department. Section I. Finance department. Section II. The city treasurer. Section III. The board of assessors.
- Chapter 6. Department of municipal works.
- Chapter 7. Department of police and fire.
- Chapter 8. Department of health.
- Chapter 9. Law department.
- Chapter 10. Board of election.

TITLE V.—*The municipal finances.*

- Chapter 1. Municipal taxes.
- Chapter 2. Special assessments.
- Chapter 3. The procedure in tax sales.
- Chapter 4. The city budget.
- Chapter 5. The city's indebtedness.
- Chapter 6. The sinking-fund commission.

TITLE VI.—*Concessions and contracts.*

- Chapter 1. Concessions.
- Chapter 2. City contracts.

TITLE VII.—*Appeals from the acts of the council and city officers.*

Additional provisions; transitory provisions; final provision.

TITLE I.—*The municipal boundaries of Habana and its inhabitants.*

CHAPTER 1.—THE LIMITS AND DIVISIONS OF THE CITY OF HABANA.

ARTICLE 1. The municipal boundaries of Habana shall be the same as now exist. Its territory is bounded by the sea and by the municipalities of Regla, Santa Maria del Rosario, Managua, Santiago de las Vegas, and Marianao.

ART. 2. The territory within these municipal boundaries shall be divided into districts and the latter into barrios. The number of districts and barrios, and also their respective boundaries, shall be determined by the city council within six months after it is organized. Until this division is made the present one shall continue provisionally.

ART. 3. When the number of districts and barrios has been fixed, this division can not be altered except by a vote of a majority of the city council.

ART. 4. The police officers within these districts and barrios shall exercise such administrative powers as the mayor shall delegate to them in addition to those which properly pertain to them under the law.

CHAPTER 2.—THE INHABITANTS OF THE CITY OF HABANA.

ART. 5. The inhabitants within said boundaries shall be divided into residents and transients. The residents are such inhabitants, whether under legal restraint or under age or not, who take up a residence within the city and remain in it more than one year.

ART. 6. The residents shall be divided into Cubans and foreigners, *vecinos* and *domiciliados*. Each of these shall be liable to all municipal civic duties, but only the Cubans shall have the right of suffrage and shall be eligible to public municipal offices.

ART. 7. *Vecinos* are those Cubans or foreigners of age and not under legal restraint who take up their residence within the municipal boundaries and remain in the same more than one year. The *domiciliados* are such residents who are not of age, or are under legal restraint.

ART. 8. Any person may be declared a *vecino*, either by an official act or on his own petition.

ART. 9. The board of elections, in its census, shall officially declare all Cubans and foreigners of full age and not under legal restraint to be *vecinos* who, at the time of making or correcting the census lists, shall have had one year's permanent residence within the city boundaries. The city council, at any time, shall also have the power to declare any person a *vecino*, at his request, provided that such person shall meet the legal requirements.

CHAPTER 3.—THE CENSUS.

ART. 10. The city council shall provide for the taking of *domiciliados* and *transients* and setting forth their name, age, whether married or single, their profession, residence, and such other data as the council shall direct.

ART. 11. Every five years a new census shall be made. Such census shall be corrected in each intervening year so that it may conform with the changes occasioned by registration, either by official act or at the petition of the party, by the cessation of legal incapacity, by death, or by changes of residence during each year. The *vecinos* who change their residence, the fathers or guardians of those who are legally incapacitated, and the heirs or executors of deceased persons must inform the official in charge of the census of such facts.

ART. 12. When the quinquennial census or its annual correction is completed, it shall be arranged in two parts, one of which shall show the changes which have taken place during the year and the other shall include all the inhabitants within the municipal boundaries at the completion of this work. These parts shall be immediately published.

ART. 13. The census and the annual changes shall be made in the month of December. Both these and the two parts of the census above referred to shall be open for examination by any person during convenient hours in the office of the secretary of the board of elections.

ART. 14. Within fifteen days following the publication of the census or its correction any resident may request the correction of errors or omissions in the same by the board of elections. The latter, after hearing the petitioner and making the necessary investigation, shall determine the case without appeal.

ART. 15. The census is a solemn public document, which shall be accepted as conclusive proof of the facts therein set out, and shall be used for all administrative purposes.

TITLE 2.—*Powers of the city.*

ART. 16. The city of Habana is hereby created a legal corporation, and shall be represented by the mayor. Such corporation is authorized to exercise such powers as now are or hereafter may be delegated to it by law and which are delegated to it in this act.

ART. 17. The city of Habana shall have the government and administration of all matters within the city boundaries, subject to law, and particularly shall have control of the following matters:

A. The establishment and regulation of city administration; the adoption of

measures which relate to the use, arrangement, and ornamentation of public ways; the comfort and health of its inhabitants; the promotion of their material and moral interests; and the security of person and property, that is to say:

1. The opening, closing, alignment, widening, grading, and cleaning of streets, squares, parks, and every class of public ways, and their use by persons, animals, vehicles, or motors, or their occupation by pillars, rails, pipes, and other objects.
2. Pavements, sidewalks, lighting and sewerage of the same.
3. The supply and distribution of water.
4. Park ways and trees in public ways.
5. Bathing establishments, laundries, public fountains, watering troughs, markets, and slaughterhouses.
6. Institutions of instruction and charity.
7. Prisons and local reformatory institutions.
8. Sanitary and hygienic service.
9. Inspection and verification of weights and measures.
10. The use of and good order in the public ways, such as advertisements, exhibition of flags, street hawking and noises, discharge of firearms and fireworks, and other similar matters within the city boundaries.
11. Amusements and public meetings.
12. Vagrancy or begging in public places.
13. Suppression of vice and immorality.
14. Regulation of the rates charged by public vehicles within the city limits and by others, as shall be determined by ordinances and regulations.
15. Construction of buildings, fences, and walls.
16. Business establishments.
17. Regulation and supervision of the use of gas, water, electricity, telephonic and telegraphic connection.
18. Prevention and extinguishment of fires.
19. Control of watchmen and private police.
20. Imposition of penalties for infraction of municipal ordinances, which shall not exceed a fine of \$50.

B. The urban and rural police and all matters which refer to the good order and the protection of the established municipal service, the general care of public ways, preservation of peace and good order within the city boundaries, and the cleanliness, hygiene, comfort, decency, and health of the people.

C. A municipal administration which shall include the use, care, and preservation of all lands, goods, and rights which are appurtenant to the city and to the establishments dependent thereon, and the administration, distribution, collection, expenditure, and accounting of all income and taxes necessary to carry on the municipal functions and the assessment and registration of all matters subject to municipal taxes.

D. The granting of franchises and concessions.

ART. 18. In such matters as are not within the functions of the city of Habana the city council and the mayor must, within the limits of their powers, aid the central government in the execution of any laws which relate to the inhabitants of the city or should be executed within the same; and they shall proceed in conformity with the terms of such laws.

ART. 19. Neither the central nor the provisional government shall have the power of intervention in such matters as are placed within the control of the city of Habana, unless such power is expressly given to them in this law.

TITLE 3.—*The city council.*

ART. 20. The legislative power of the city of Habana shall be vested in the municipal council, which shall have such powers and functions and shall exercise the same as provided in this law.

ART. 21. The council shall be composed of 24 councilmen. Those elected during the current year shall hold office until the 1st of July, 1901. The councilmen elected in 1901 shall be elected by districts, in the form which this law prescribes; in each district two councilmen shall be elected. Those elected in 1901 shall be divided into two classes. Those in the first class shall hold office for two years, and it shall contain one councilman from each district. Those of the second class shall hold office for four years. After such time councilmen shall be elected for four years, except when they are elected in special elections to fill vacancies.

ART. 22. The proceedings for the election of the first municipal council shall be those set out in Order No. 164, of the military governor of this island, dated April 18, 1900, except such modifications as are contained in this law in respect to said elections.

ART. 23. When the mayor shall receive the certified copies of electors from the boards of registration he shall proceed to divide the city into six electoral districts, each one of which shall elect four councilmen, but each elector shall vote for three only.

ART. 24. In the year 1900 no person shall be a candidate for the office of councilman unless there shall have been presented to the municipal alcalde in writing a nomination of such person, which nomination shall be signed by at least 100 registered voters within the district for which he is nominated. In the future the council and the board of elections shall make such regulations as may seem proper in this matter.

ART. 25. Before the 1st of January, 1901, the board of elections shall divide the city into twelve electoral districts, each one of which shall contain, approximately, the same number of electors. This division shall be revised every four years, and shall be submitted to the city council at least six months before an election. The latter may make such amendments or changes in this division as it deems proper, within thirty days after the receipt of the same. If the council does not pass any resolution to the contrary within this period, the division as determined by the board shall stand.

ART. 26. The qualifications of the electors shall be those determined by the electoral law, and all other matters relative to elections which are not delegated to the city council or regulated in this law shall be determined by the board of elections.

ART. 27. At the next election all persons shall be eligible for councilmen who meet with the requirements of Order No. 164 of the military governor of the island, dated April 18, 1900.

ART. 28. A person to be eligible as councilman after July 1, 1901, must be—

1. A Cuban who knows how to read and write.
2. A taxpayer to the city for one year previous.
3. A vecino of the city of Habana, with five years' continuous residence. In the first election of the council one year's residence shall be sufficient; in the second, three.
4. He shall not hold any other public office under the state, province, or the city, except that of a professor of the university, institute, professional school, and the school of painting and sculpture of Habana.

ART. 29. The following are not eligible to be councilmen:

1. Those persons who have any part, direct or indirect, in contracts for furnishing supplies, labor, or personal services in the city on account of the city, province, or the state; those persons who are employees of others who have such contracts, and those persons who hold any concession or privilege granted by the city, or who are employees of others who hold them.
2. Debtors to the city against whom any legal proceeding is pending.
3. Those persons who are carrying on any legal or administrative proceedings against the city or against any municipal dependencies or departments.
4. Those persons who have been declared by a final sentence perpetually incapacitated to exercise political rights or public duties, even if they have been pardoned, unless they have been previously rehabilitated in legal form.
5. Those who have been condemned to *pena afflictiva* by final sentence, unless they have been reinstated in their rights at least two years before the election.
6. Those who have been condemned to other punishments by final sentence and can not furnish evidence that they have served the sentence.
7. Bankrupts and other persons who have brought voluntary proceedings in bankruptcy, or against whom bankruptcy proceedings have been taken, unless they can show, by documentary proof, that they have paid all their debts.

ART. 30. Whenever there occurs a vacancy in the council within more than four months before the next general election, it shall be filled by a special election held within the district for which the vacancy occurred, within twenty days. If there is more than one vacancy in any district, they shall be filled at the same election. The councilman elected to fill a vacancy shall hold office for the unfinished term of the councilman whom he succeeds.

ART. 31. The general election shall take place on the first Monday in June of each year when they are held. The persons elected shall take possession of their respective offices on the first of July following. Every day set apart for a general election is hereby made a legal holiday.

ART. 32. The office of councilman shall be voluntary, and paid with a salary of \$1,200 a year; the president of the council shall receive \$2,400 a year.

ART. 33. Those councilmen who fail to be present at the regular or special meetings, with or without excuse, shall not receive the corresponding part of their salary proportional to the number of meetings held during each month. The secretary of

the council shall communicate all absences of councilmen to the director of municipal finance.

Absence from four consecutive meetings without sufficient excuse shall be considered as a resignation from the office of councilman, and such office shall be declared vacant.

ART. 34. The majority of the councilmen elected shall ^{ular}¹ meeting, or by virtue of a previous notice which expresses the object of the meeting, may take the necessary steps to compel the attendance of absent members, with such penalties and in such form as the council shall determine.

ART. 35. The functions of the council are as follows:

1. To elect its president and vice-president from among its own members.
2. To nominate its secretary, its sergeant-at-arms, and its other employees which considers necessary, in accordance with the appropriation of the budget.
3. To determine the rules which shall govern its meetings.
4. To be the judge of the election of councilmen.
5. To determine all questions which arise respecting the validity of the election of the mayor and all contests that may arise in relation thereto. There shall be no appeal from the determination of the council in this matter, but the individual councilmen shall be personally responsible, in accordance with the law, for any action they may take in such matters.

6. To appoint such committees as it deems advisable.

7. To impose fines upon and to suspend such councilmen as shall be guilty of disorderly conduct during debates, to compel their presence at all meetings, and by a vote of three-fourths of all the members of the council to expel any councilman from membership. The conviction of any councilman for bribery shall vacate his office.

8. To suspend or remove the mayor.

9. To cause to be kept a book of minutes of its meetings and to authorize the publication of all or part of the same.

ART. 36. The mayor may be suspended or removed only by a vote of four-fifths of the members of the council.

ART. 37. The president and vice-president of the city council shall be elected whenever there is a new general election or whenever their office becomes vacant, and they may be removed only by a vote of four-fifths of all the members of the council.

ART. 38. The council may not suspend or remove the mayor, its own president or vice-president, or its members, except for just cause and after public trial on written charges.

ART. 39. The president shall represent the council. He shall have the right to participate in all debates and to vote; he shall control all debates; he may call extra sessions in accordance with law or ordinance and in the form which it determines; he shall communicate to the mayor all ordinances which are passed by the council, and to the latter the approval or veto of the mayor, or that the time allowed by law shall have expired without such ordinance having been either approved or vetoed by the mayor; he shall execute all the resolutions of the council which refer to the removal of the mayor, of councilmen, and of such employees as are nominated by the council. The vice-president shall succeed the president, with the same powers as are conferred upon the latter, in the case of absence, sickness, or death of the latter.

ART. 40. The duties of the secretary of the council shall be—

1. To preserve all the papers and documents of the city except such as are to be preserved by the other municipal departments or officials.
2. To keep and preserve the books of minutes of the council.
3. To certify and collect in suitable books, with indices, all ordinances and resolutions passed by the council, which book shall constitute a public record.
4. To keep the municipal seal.
5. To send certified copies to the various municipal officials of all resolutions of the council which affect their duties.

ART. 41. Every legislative act of the city shall be by ordinance and every act of the internal government of the council by resolution. Except in those cases for which this law makes special provision, all ordinances must be approved by a vote of the majority, plus one, of all the councilmen elected; resolutions require the vote of one-half, plus one, of the councilmen present and who form a quorum. Every vote must be taken by yeas and nays, and be recorded in the minutes. Every ordinance or resolution which makes an appropriation in an amount of more than \$1,000, which creates a municipal debt, or grants a franchise which increases any tax, or which authorizes the transfer or the creation of any lien upon any municipal property, must be approved by two-thirds of all the members of the council. Every appropriation

¹ Evidently something missing. Printed as received.

for public festivals, receptions, or funerals must be approved by a vote of three-fourths of the members of the council.

In order to appoint or confirm any person to office the vote of one-half, plus one, of the members present and forming a quorum shall be sufficient.

ART. 42. The city council shall determine by ordinance the place and time of its meetings and the conditions under which it may hold special meetings, provided that it shall hold at least two regular meetings a month. The president may call a special meeting at any time by twenty-four hours' previous notice, setting forth the object of such special meeting. In such special meeting no other subject than that which is set forth as the object of the meeting may be considered.

ART. 43. No ordinance or resolution shall go into effect without the approval of the mayor, who may veto the same within ten days after he shall have received the communication of the president of the council accompanying such ordinance or resolution.

If the said period shall expire without the approval or the veto of the mayor, the ordinance or resolution shall take effect, and thereupon the president of the council shall communicate such fact to the mayor.

When the mayor exercises his veto power he must express his reasons therefor in writing and return the ordinance or resolution to the president of the council.

If, after a new discussion of such proposed ordinance or resolution, the council shall approve the same by a vote of two-thirds of all its members, such vote shall be communicated by the president of the council to the mayor, in order that the latter shall declare such ordinance or resolution valid and of full effect.

The sanction of the mayor is not necessary for such resolutions as refer to the internal government of the council, or to the nomination of employees who are appointed exclusively by the latter; but the mayor must be notified of all such resolutions.

ART. 44. No ordinance or resolution may be voted upon sooner than the session next following that in which it was submitted, and after report by the proper committee, except such as may be declared of public necessity by the president of the council, and approved by two-thirds of the councilmen present.

Except in the case just indicated, every proposed ordinance must be submitted to the examination of a committee, and copies thereof be distributed among the councilmen and may not be changed from its original purpose. The council shall take up the consideration of any such proposed ordinance and of the report of the committee in such regular meeting as it shall previously determine.

ART. 45. The meetings of the council shall be public, but on motion of the president, or any member, and by vote of the majority, all meetings concerning the nomination, suspension, or dismissal of any person may be secret.

ART. 46. Whenever the council shall organize as a court, all meetings shall be public in which the accusation or the defense is heard, or testimony is taken; and the special meeting in which the sentence is discussed and a decision reached shall be secret.

ART. 47. It shall be the duty of the councilmen to keep watch over the enforcement of all the laws and ordinances of the city; it shall also have the power directly, or through any committee which it may nominate, to investigate any municipal department and the official conduct of the officers or employees of the city, with the power to compel the attendance of witnesses, to take their statements under oath, and to compel the production of such books and documents as shall facilitate such investigation.

ART. 48. As soon as the council is organized it shall prepare an ordinance to determine the responsibility of the councilmen and other municipal officers for any acts committed by them in the exercise of their functions, and also the manner in which they shall perform their duties, in accordance with the provisions of this law.

TITLE IV.—*The government and administration of the city of Habana.*

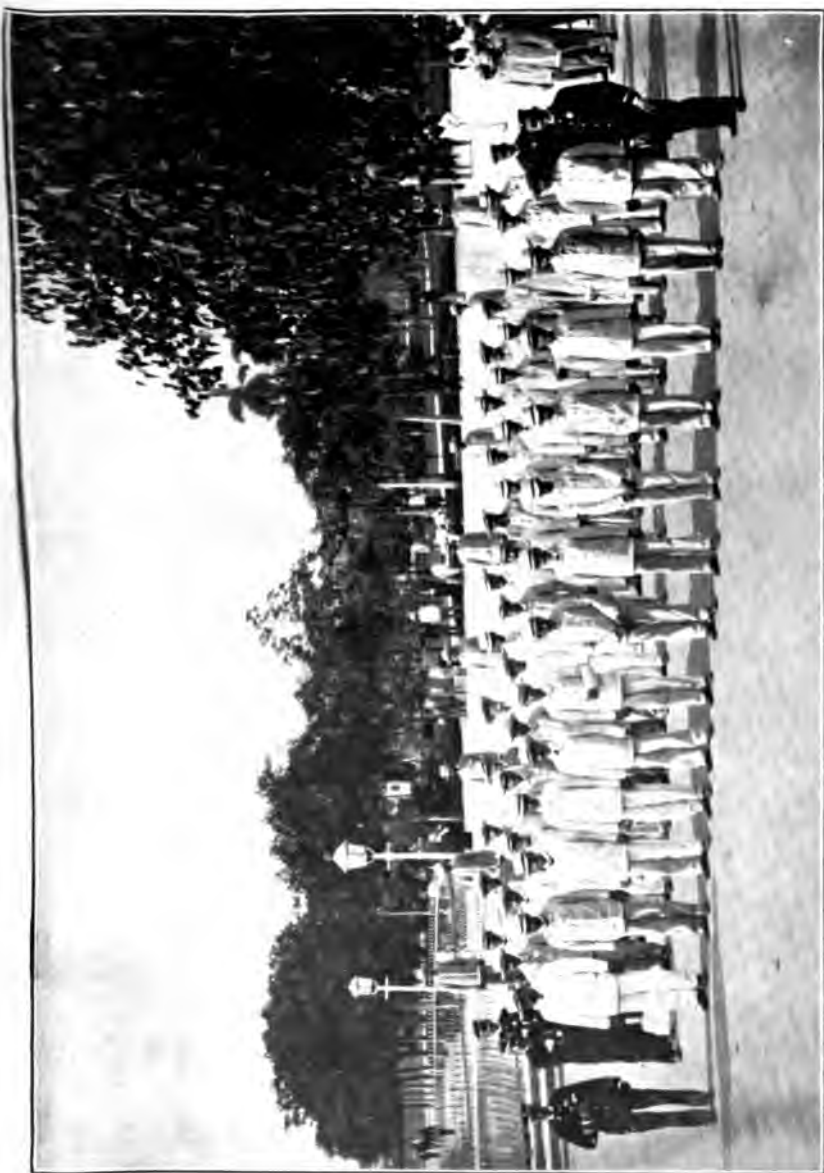
CHAPTER 1.—GENERAL.

ART. 49. The government of the city of Habana shall be the function of the mayor, and its administration shall be divided between him and the other municipal officers in the manner prescribed in this law.

CHAPTER 2.—CLASSIFICATION OF OFFICIALS; TERM OF OFFICE; THEIR APPOINTMENT AND DISMISSAL; VACANCIES—HOW FILLED.

Section I.—Classification of officials.

ART. 50. The administrative officers shall be divided into three classes, and, with the exception of the mayor, who shall hold office for the legal period, all those in



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first and second classes may not be removed except on previous written charges.

ART. 51. The first class shall consist of the mayor and the directors of departments, treasurer, and the members of the boards of assessment, elections, and health.

ART. 52. The second class shall consist of all minor officials not included in the preceding or the following articles.

ART. 53. The third class shall consist of day-laborers.

Section II.—Methods of appointment and filling of vacancies.

ART. 54. All the officers in the first class mentioned in article 51, except the mayor, shall be nominated by the latter and be confirmed by the council.

ART. 55. All the officers in the second class mentioned in article 52 shall be appointed by the directors of departments, with the approval of the mayor, or by the heads of bureaus, with the approval of the directors of their respective departments, as may be determined in this law or regulated by the council. All appointments in this class shall be made by promotion when possible.

ART. 56. All officers in the third class mentioned in article 53 shall be appointed by the heads of bureaus, or departments, under which they serve, as may be regulated by the council.

ART. 57. All appointments made in the preceding articles shall be in accordance with the ordinances and regulations governing the municipal civil service.

ART. 58. All officers in the first class may be removed from office by the mayor for just cause on written charges. The order removing such officials shall set forth the reasons therefor and a copy shall be sent him. The latter may appeal to the council within three days thereafter, and the council shall finally decide such matter without further appeal after such further investigation as it deems proper.

ART. 59. Officers in the second class may be removed from office by the officer who appointed them or by the heads of departments, for just cause on written charges, drawn up by the officer who makes the removal. Within three days after receiving notice of his removal, any official may appeal to the mayor, who shall finally decide such matter without further appeal after such further investigation as he may deem proper.

ART. 60. All vacancies in the administrative service of the city, except the vacancies in the office of the mayor or councilmen, shall be filled in the same way as original appointments.

CHAPTER 3.—DIVISION OF ADMINISTRATIVE SERVICE INTO DEPARTMENTS; THEIR POWERS AND LIMITATIONS.

Section I.—Division into departments.

ART. 61. The administrative service of the city shall be divided into the following departments: A, executive; B, finance; C, municipal works; D, police and fire; E, health, inspection of food, and charity; F, law.

ART. 62. The mayor shall be the chief of the executive department and the chairman of the board of health. Each of the other departments shall be under the control of a director.

ART. 63. There shall be the following officers who shall be appointed in the same manner as directors of departments, viz: A, treasurer; B, three assessors; C, three commissioners of elections; D, a board of health of six members.

ART. 64. The assessors and commissioners of election shall each elect a president from among their number.

ART. 65. The mayor, the director of finance, and the corporation counsel shall constitute a sinking fund commission, of which the mayor shall be president.

Section II.—Board of control; general powers; duties and responsibilities of officers.

ART. 66. The directors of departments named in this chapter shall constitute a board of control, which shall have the power to appoint its own clerk and such other assistants as may be authorized by the council.

ART. 67. The members of the board of control, the treasurer, the presidents of the boards of assessment and elections shall have the right to present such written statements or reports as they shall deem proper to the council at any time.

ART. 68. The board of control shall meet every two weeks at such time and place as the mayor shall determine. Every member who fails to attend a regular meeting, without sufficient reason, shall be subject to a fine of \$5. The clerk of the board shall notify the director of the department of finance in writing of such absence.

ART. 69. Not less than ninety days before the end of the fiscal year each officer named in article 67 shall furnish the board of control with an estimate of the

expenses of his department or administrative section for the coming year. The treasurer shall also furnish an estimate of the cash on hand at the beginning of the coming year. The director of finance, within ten days after the receipt of such estimate, shall formulate a plan for the budget and forward it to the board of control which, within not less than sixty days of the end of the fiscal year, shall forward the same to the city council with its report thereon. Such board may decrease but not increase the appropriations in such estimate.

ART. 70. In the last fifteen days of each month the board of control shall assign to the various departments and branches of the administrative service the amount of cash available within the limits of their respective appropriations within the ensuing month.

ART. 71. The board of control shall report to the council on all municipal loans or sales or leases of municipal property, all purchases of land and all expenditures exceeding \$25,000, before the council may act thereon.

ART. 72. The board of control shall act as the trustee of all trust funds for the benefit of the city, unless such trustees are otherwise specially appointed.

ART. 73. The directors of each department, the commissioners of election and the assessors shall severally furnish security to the amount of \$10,000 each. The director of finance and of municipal works shall furnish security for \$20,000 each. The treasurer and collector shall furnish security for \$50,000 each. All bonds or securities furnished by any city official shall be at their own expense and must be approved by the mayor after consultation with the corporation council. The city council may require any official not mentioned in this article to furnish bonds and may increase the amount of those mentioned, but may not decrease it.

ART. 74. Any official who now is, or hereafter may be, required by any law or ordinance to furnish security, shall do so before entering upon the duties of his office. Unless he furnishes such security to the amount and in the form prescribed by law within thirty days after he is notified of his appointment or election to office his office is thereupon vacant.

ART. 75. At any time the council may, by resolution, require any official or employee to furnish a new security or increase the amount of any official's security which considers insufficient.

ART. 76. When any security furnished to the city in pursuance of this law is in the nature of a mortgage upon real estate, it shall not exceed two-thirds of the capitalized value thereof, as shown by the assessors' lists.

ART. 77. All securities except that of the treasurer shall be deposited in the treasurer. The treasurer's security shall be delivered to the director of finance. When either of these officers receives any such security, he shall give the officer delivering it a receipt in triplicate; one copy for the officer depositing the security and one to be delivered to the director of finance. The officers mentioned in article 67 and all employees of the department of finance shall deliver the third copy to the mayor, and all other employees to the head of the department in which they are employed. Every officer thus receiving a copy of such receipt shall indorse that fact on the back of the original receipt retained by the officer depositing the security.

ART. 78. No security furnished by any official mentioned in article 73 shall be canceled except with the approval of the mayor; in other cases with the approval of the head of the department or section wherein employed; and in all cases with the approval of the head of the department of finance and of the corporation council.

ART. 79. All officers named in article 67 shall certify on all pay rolls the number of days of attendance of all employees under them, and shall certify to the correctness of all bills for materials furnished their departments or sections.

ART. 80. Every official shall be responsible for all the certificates which he signs and all payments which he makes. If any such shall be contrary to law he may reimburse the city with the amount thus paid.

ART. 81. No head of department, treasurer, or commissioner of assessment or election shall hold any other public office or employment.

ART. 82. All officials and employees shall be paid by salary only, as determined by the council, unless otherwise specified in the annual budget or in this act.

ART. 83. No officer shall attend any meeting which nominates city officials, except policemen and firemen on duty there. Violation of this article shall be cause for removal.

ART. 84. No city official may act as agent or attorney for any person interested in any matter affecting the city. The violation of this article shall be cause for removal.

ART. 85. Any officer or employee receiving any fee not authorized by law or ordinance shall thereby forfeit his office.

ART. 86. Failure to perform any duty required within the time set by law, ordinance, or regulation shall be cause for suspension or removal.

Art. 87. The officers mentioned in article 67 shall make rules for the management of their offices, the office hours, and care of documents, in accordance with law and ordinances, subject to revision by the board of control.

Art. 88. No officer or employee shall retain his position after reaching the age limit set by the council, except upon recommendation of the board of control, approved by the council.

Art. 89. No officer or employee shall receive any pension except under a general ordinance.

Art. 90. All officers mentioned in article 67, within thirty days after taking office, shall make a true and complete inventory of all municipal property in their offices or under their control. They shall also make a complete list and index of all documents in their offices or under their control within sixty days after assuming their duties, and shall arrange such documents in such a manner that they may be readily consulted.

Art. 91. Every municipal officer and employee is responsible for all municipal documents or other property which at any time may be in his possession.

Art. 92. The maximum number of subordinate clerks and the salaries to be paid them in each department, section, or bureau of the city shall be determined by ordinance enacted in the same way as the annual budget.

Art. 93. Every person, firm, corporation, or association which handles any cash or securities belonging to the city shall make a daily report of receipts and expenditures to the director of finance in such form as the latter may prescribe.

Art. 94. Every officer mentioned in article 67 shall make a complete financial report every quarter to the director of finance in such form as the latter may prescribe.

Art. 95. The director of each department, the treasurer, the president of the board of assessment, election, and health shall make an annual report of the administration of their departments within thirty days after the termination of each fiscal year. Where these reports are not made by the mayor, the officer making them shall transmit them to the mayor, who shall cause the same to be printed and submitted to the council and be distributed among the public.

Art. 96. The various boards and commissions authorized to exercise municipal functions by this law may not exercise such functions except upon the approval of a majority of their members. Such approval shall be authenticated by the certificate of the secretary of such board or commission, with the countersignature of the president, or if there be no secretary, by the signature of the president.

Art. 97. No official shall demand or receive any money or other consideration for performing the duties of his office, except as prescribed by law or ordinance. All fees received by any official shall be the property of the city and shall be accounted for by the officer receiving them, as required by law or ordinance.

Art. 98. The qualifications prescribed in this law for certain city officials shall be imposed upon those who temporarily fill such positions.

CHAPTER 4.—THE MAYOR.

Art. 99. The mayor shall be elected by the people in the manner determined by the electoral law.

Art. 100. The mayor shall hold office for the term of two years and may be elected without limitation.

Art. 101. The mayor elected in the next municipal election shall hold office until the 1st day of July, 1901.

Art. 102. The mayor must be a Cuban of full age, elector and vecino, of the municipality of Habana, and a resident of the same for at least five years previous to his election. The qualifications of the mayor in the first election are those determined by Order No. 164, of April 18, 1900, of the military governor of the island.

Art. 103. Any person who does not fulfill the conditions in the preceding article, and those enumerated in this law as incapacitating a person for the office of councilman, may not be mayor.

Art. 104. The mayor shall take possession of his office on the day set by law, in the presence of the retiring mayor, and immediately shall communicate such fact to the president of the city council, the governor of the province, and the secretary of government.

Art. 105. When the mayor-elect, through absence or sickness properly proven, cannot take possession of his office on the date set, he shall communicate such fact to the president of the city council in order that the latter may be substituted as mayor until the mayor-elect finally does take possession of his office, and in no case may his delay extend for more than two months counting from the day fixed for the mayor to take possession of his office.

ART. 106. If the mayor-elect does not accept the office, or does not take possession of the same within the time set by the preceding article, the president of the city council shall declare the office of mayor vacant, and within fifteen days thereafter shall call a special election in order to fill such vacancy.

ART. 107. In case of sickness or absence of the mayor his office shall be filled by the president of the city council, who shall also fill such office whenever it becomes vacant for any reason whatever.

ART. 108. If during the first year after an election the office of mayor shall become vacant, a new election shall be held within fifteen days thereafter, but only for the unexpired term of office.

ART. 109. When a vacancy happens after the time mentioned in the preceding article, the president of the council shall hold the office of mayor until a regular election is held in accordance with law.

ART. 110. The mayor may resign from office at any time and can not hold any other public position. He shall receive the salary which shall be assigned him in the budget, which salary can not be changed during his legal term of office, and no change in the salary of the mayor may be made except at least six months before an election is held for that office.

ART. 111. The mayor is the representative of the city and in this character he may appear and may maintain all kinds of actions and proceedings before any official or court.

ART. 112. Before the mayor may appear before any of the courts of justice, either as plaintiff or defendant, or in any criminal case, he must first receive the opinion of the corporation counsel. In any legal proceedings in which the city is a party the mayor shall not confess judgment, nor compromise the matter in litigation, nor submit it to any form of arbitration, without the consent of the city council.

ART. 113. The mayor in addition to the veto power conferred upon him in this law shall have the following:

1. To nominate the municipal employees with the exception of those who are nominated by the council, by the directors of the departments, by the heads of bureaus, or in some other special manner as set out in this law, and he may also nominate the employees of the mayor's office which are authorized by the budget.

2. To dismiss or suspend any employees of the administrative service of the city for just cause on written charges.

3. To transmit to the council the proposed budget which he receives from the board of control.

4. To issue orders for the good government of the city.

5. To exercise a direct inspection over all the municipal departments, officers, and establishments.

6. To publish the necessary orders to carry out the resolutions of the council as soon as these take effect.

7. To execute as representative of the city its contracts after receiving the opinion of the corporation counsel, but in no case may he dispose of property belonging to the city without the authority of the council, nor rent the same without receiving public bids.

8. To take control of all matters which relate to the urban and rural police, making such orders as he considers proper in accordance with the laws and ordinances.

9. To authorize public meetings and demonstrations, balls, theatrical performances, and other public exhibitions, the licenses for which shall be issued by the bureau of licenses of the department of finance upon the express written authorization of the mayor.

ART. 114. The mayor may not leave the city without permission of the council, which in no case shall authorize his absence for more than forty-five consecutive days.

ART. 115. The mayor shall be the representative of the central government in the exercise of all governmental functions which the latter exercises within the city boundaries.

ART. 116. In the case of a serious disturbance of public order the governor of the province for sufficient cause may suspend the mayor for a term which shall not exceed five days upon giving written notice thereof to the secretary of government.

CHAPTER 5.—FINANCE DEPARTMENT.

Section I.—Finance department.

ART. 117. The head of this department shall be known as the director of municipal finance and shall have charge of all matters assigned to him in this law.

ART. 118. The bureaus of this department are: 1, audit; 2, bookkeeping; 3, collection; 4, licenses and receipts; 5, property clerk.

ART. 119. The director of the department shall prepare with all possible speed a list of all the real estate owned by the city, send the same to the assessors for appraisal, and shall do the same whenever the city acquires new real estate.

ART. 120. It shall be the duty of the director of municipal finance, in addition to the duties imposed upon him by other parts of this law:

1. To provide for a system of municipal accounts, which shall include classified and detailed accounts of all receipts and payments by double entry.
2. To cause all property of the city of any kind to be entered on its books at its assessed or appraised value.
3. To keep a full account of all its assets and liabilities.
4. To keep a separate account of all taxes and other sources of revenue in arrears.
5. To keep an account of all items of all appropriations and of all assignments by the board of control and of the amount of warrants drawn against them.
6. To keep a separate cash book.
7. To audit all the accounts of other departments, boards, officials, and employees at least once a year, and oftener if the city council directs, and to determine the form of their accounts and their reports to him.
8. To prescribe the form of all financial accounts.
9. To examine the accounts of any officer when he ceases to hold office, and report the result of such examination to the mayor of the city and to the city council.
10. To make an annual detailed sworn statement to the mayor and city council.
11. To examine personally or by deputy every account presented for payment, and to require proof of its correctness. For this purpose he may examine anyone on oath concerning the same, and examine the claimant as to whether he owes the city any money other than taxes not in arrears, and if so, to deduct such amount from any payment to be made.
12. To prepare all receipts which shall be issued by any city official, unless otherwise provided in this law, and to charge them to all persons to whom they are issued for collection.

ART. 121. Besides other powers granted to the director of finance in this law, he may—

1. Examine in person or by deputy the accounts of any city official whenever he considers it necessary.
2. Require any city official to furnish lists of the debts due the city.
3. Require the corporation counsel to give him a written opinion at any time as to any payment, and if such opinion is in favor of making any such payment the director of municipal finance shall be freed from all responsibility therefor.

ART. 122. The director of finance shall not issue any warrants except for a payment approved by the head of the department or administrative section by which the debt was incurred, and shall not authorize any payment unless there is an unexpended balance of an appropriation by the council and an assignment by the board of control for such purpose. He shall not issue any warrant for the payment of the salary of any officer who now is or hereafter shall be required to give security until he shall receive official notice in the manner provided in this law that such security has been furnished.

ART. 123. The director of finance shall have the authority to appoint as many inspectors as shall be authorized by the council, whose duties shall be to see that all officers having financial duties fulfill their obligations.

ART. 124. The director of finance shall send two copies of all the reports he makes to the secretary of the insular treasury, and shall also make an annual detailed report to him in such form as he shall direct.

ART. 125. The secretary of the insular treasury shall in person or by deputy examine the accounts of the city at least once every six months, and at such other times as he deems proper. On such examination he or his deputy shall have the power—

1. To disallow any illegal payment, determine what city official is responsible for it, and charge the same against such official and his sureties.
2. In case the secretary of the treasury shall find any city official incompetent or dishonest in the administration of the city finances, he shall immediately notify the mayor thereof, so that the latter may immediately proceed in accordance with this law.

ART. 126. The head of the bureau of audit shall be known as the auditor, and shall be the assistant director of the department. He shall replace the director of municipal finance in case of the latter's inability or absence. His duties shall be—

1. To examine the accounts of all city collectors and certify their correctness.

2. To examine all claims for money and certify their correctness. To do this he shall ascertain that they are authorized by law; that there is an unexpended balance of an appropriation by the council and an assignment by the board of control from which to pay them.

ART. 127. The head of the bureau of bookkeeping shall be known as the chief bookkeeper. He shall keep all the books of the department, under the control of the director.

ART. 128. The head of the bureau of collection shall be known as the collector. He shall, in person or by deputy, collect all moneys due the city unless herein otherwise provided, he shall have the power to appoint his assistants, under such general ordinances as may be made by the council, and shall be responsible for all their acts.

ART. 129. There shall be a subdivision of the bureau of collection, which shall be known as the section of arrears, in charge of a superintendent whose duties shall be the collection of all arrears of taxes.

ART. 130. The bureau of licenses and receipts shall issue all municipal licenses, on the receipt of the collector and the necessary certificate of compliance with all conditions precedent, and it shall prepare all receipts which shall be issued to the collector, except as otherwise provided in this law. The head of this bureau shall be known as the license clerk.

ART. 131. The property bureau shall be in charge of a property clerk, and to it shall be sent all requisitions for supplies used by any city officials, except in the departments for which a special property clerk is provided. The property clerk shall see that there is available cash for the purchase of the articles in question and shall fill out the requisitions with the name of the contractor, the contract price of each article, or, if there be no contract, shall refer them to the director for the purpose of arranging for the purchase in the open market.

ART. 132. Upon requisition by any city official for articles for which the city has not a contract, if the amount shall not exceed \$250, the director of finance may, in his discretion, purchase the same in the open market after receiving not less than three written sealed bids from merchants who deal in such goods, and shall award the purchase to the person making the bid which is most advantageous to the city.

Section H.—The city treasurer.

ART. 133. The city treasurer shall be the custodian of the city funds, and all other city officials receiving any money belonging to the city shall turn it over to the city treasurer daily unless otherwise directed by this law. He shall keep such accounts and in such form as the director of finance shall determine.

He shall pay all warrants drawn upon him by the director of finance, provided that such warrants do not exceed the amount appropriated by the council and assigned by the board of control for the purpose for which they are drawn.

ART. 134. The treasurer shall keep all public funds under his control, either in a joint custody safe or in a bank named as a public depository, as provided in this law. The joint custody safe shall be one with joint locks having separate keys, neither one of which alone will open the safe. The treasurer shall hold one of these keys and the director of finance the other. Such safe shall not be opened except in the presence of the director of finance and the treasurer, and such funds as may be necessary for immediate use shall then be immediately withdrawn, and the safe shall thereupon be closed in the presence of these same two officers. All money in this safe which it is not expected will be needed for immediate use shall be kept in canvas bags, each bag to be sealed by the private seal of the treasurer and of the director of finance, and shall bear a tag stating the nature and amount of all money in such sack. When any check is drawn upon any banking institution acting as city depository, or any deposit made with it, or when any money is put into the joint custody safe or taken from it, the director of finance and the treasurer shall immediately enter a record thereof in a book kept for that purpose, and shall both immediately initial such records.

ART. 135. The council may appoint one or more solvent banks in the city of Habana as a depository of public funds, after proposals published for at least three weeks for bids as to the terms on which such deposit shall be received. The council may reject any and all bids made upon such published proposals.

No bank shall act as such depository until it has deposited with the city treasurer security satisfactory to the mayor and to the amount set by the council.

The mayor shall certify, in writing over his signature, his approval of such security, and such certificate shall be filed therewith.

No city official or officials shall deposit any funds in such depository in excess of the amount of such security.

Section III.—Board of assessors.

ART. 136. The board of assessors will consist of three members. As soon as they are nominated they shall meet and organize by the election of one of their number as president.

ART. 137. As soon as the board of assessors is organized they shall determine their length of office by lot, one assessor to hold office one year, another two, and another three years. All assessors afterwards appointed to fill vacancies shall hold office for three years. Any assessor may be reappointed after the termination of the time for which he was previously appointed.

ART. 138. The director of finance shall immediately turn over to the board of assessors all lists of assessments he may have in his possession or under his control, and the board shall immediately proceed to make up new assessment lists for all forms of taxation authorized by law which involve an assessment, and shall assess real estate and the various industries in accordance with the tax law in force. These lists shall determine the amount of taxes to be paid by all persons or property during the municipal fiscal year next succeeding that in which the assessors are appointed in accordance with the law then in force, and shall be in triplicate. The assessors shall retain one copy themselves and forward the other two to the director of finance.

ART. 139. In order to facilitate the making of the new assessment lists, the board of assessors, within thirty days after their organization, shall send to every person whose name appears on the assessment lists of urban or rural real estate, or who they believe own such real estate, a blank form, which such persons shall severally fill out and return within ten days after its receipt to said board. This form shall state whether the property is leased or not. If it is leased, the name of the lessee and the amount of rent paid therefor, and if not leased, by whom it is occupied and for what purpose. Any person who makes a false report of this character shall be liable to a fine equal to the amount of the tax which he is required to pay under the new assessment as finally determined.

ART. 140. The board of assessors shall have the authority to send for the owner, lessee, and occupant of any premises, or their attorneys, and to examine the same under oath as to the use to which such property is put, the name of the occupants, the date of the lease, and the amount of rent actually paid therefor.

ART. 141. When any taxpayer feels himself aggrieved by the decision of the board of assessors he may appeal therefrom to the board of control, whose decision in the matter shall be final. The parties in interest may appeal to the courts in matters involving fraud on the part of any member of these two boards.

ART. 142. As soon as the map of the city, dividing the same into divisions and private parcels, is completed by the city surveyor, all accounts relating to all bills for "fincas urbanas" or "fincas rústicas" taxes shall be arranged in accordance with the numbers on the surveyor's map.

CHAPTER 6.—DEPARTMENT OF MUNICIPAL WORKS.

ART. 143. This department shall be in charge of a director of municipal works.

ART. 144. The director of municipal works shall appoint a record clerk, who shall have charge of the custody and filing of all records, correspondence, plans, and other documents relating to the department not in actual use. The director shall also appoint a permit clerk, who, on the authorization of the various chiefs of sections hereinafter named, shall issue all permits when necessary for work to be done.

ART. 145. The department shall be divided into the following sections and bureaus, each under its respective chief:

I. Street section.—Bureaus: 1. Streets, roads, pavements, and bridges; 2. Street cleaning and removal of refuse; 3. Electricity and street lighting.

II. Sewer section, in charge of the construction and maintenance of sewers.

III. Water section.—Bureaus: 1. Construction, maintenance, and distribution; 2. Water registrar, rates, and accounts.

IV. Park section.—Bureaus: 1. Parks; 2. Trees in the streets and ornamentation of public ways.

V. City surveyor's section.

VI. City architect's section.—Bureaus: 1. The inspection of plans; 2. Inspection of buildings; 3. Construction and maintenance of municipal buildings; 4. Inspection and testing of boilers and elevators, and licensing engineers; 5. Inspection of plumbing and plumbers' licenses.

VII. Property clerk's section.—Bureaus: 1. Receipt, care, and issuance of municipal property; 2. Test of materials purchased, and of weights and measures; 3. Tests of gas, water, and electric meters; 4. Analysis of gas and water; 5. Municipal stables and shops.

VIII. Section of slaughterhouses and markets.—Bureaus: 1. Slaughterhouses; 2. Markets.

Arr. 146. The director of municipal works, the chiefs of the sections of streets, sewers, and water, the city surveyor, and also the head of the bureau of construction, maintenance, and distribution of water shall meet the following requirements: 1. Be more than 30 years of age; 2. Have ten years' active practice in their professions; 3. Be capable of designing and directing engineering work.

The degree of engineer from a school of recognized reputation shall be considered equivalent to two years of practice, and the performance of the duties of professor in a technical school of engineering of high standing shall be considered as equivalent to an equal number of years of active practice.

Arr. 147. The city architect, in addition to a professional degree, shall meet the following requirements: 1. Be more than 35 years of age; 2. Have at least three years of practice on his own account, or at least seven years as assistant to another architect; 3. Be of good reputation in his profession.

Arr. 148. The chief of the bureau of electricity and street lighting in the section of streets shall be an electrical engineer of at least ten years' experience.

Arr. 149. The chief of the bureau of inspection and testing of boilers and elevators and licensing engineers in the city architect's section, and the chiefs of the bureau of test of materials purchased, of weights and measures, and of the bureau of test of gas, water, and electrical meters in the property clerk's section must have the degree of mechanical engineer.

Arr. 150. The chief of the bureau of analysis of gas and water in the property clerk's section must be an analytical chemist of at least ten years' experience.

Arr. 151. The head of each section in this department shall report to the director whenever the latter directs.

Arr. 152. All rules and regulations governing the inspection of plumbing or of sewer connections with private property shall be submitted to the board of health, which shall forward them within ten days to the board of control with such written report as may seem proper.

Arr. 153. The bureau of streets, roads, pavements, and bridges shall have charge of the construction and maintenance of all sidewalks, pavements, and bridges.

Arr. 154. The bureau of street cleaning and removal of refuse shall have charge of cleaning the streets and the disposition of refuse of all kinds.

Arr. 155. The bureau of electricity and street lighting shall have charge of the maintenance and construction of all electrical apparatus belonging to the city, the inspection of all wires and electrical apparatus placed in, over, or under the street or other public property, and shall have charge of lighting the city.

Arr. 156. If at any time the city shall acquire the control over docks, wharves, ferries, any part of the harbor, or the shore thereof, another bureau of the section of streets shall be created to take charge of these matters.

Arr. 157. The section of sewers shall have charge of the construction and maintenance of all sewers and of all connections between them and private property.

Arr. 158. The bureau of construction, maintenance, and distribution in the water section shall have charge of the construction and maintenance of all pipes or apparatus used for supplying the city with water and connecting the same with private houses, and shall issue the necessary authority to any person or corporation who desires the installation, reinstallation, or suppression of water on its property.

Arr. 159. The bureau of water register, rates, and accounts shall have charge of the accounts of the water service, and the preparation of the receipts. Thirty days before the end of the fiscal year the chief of this bureau shall send the director of finance, over his signature, a duplicate list of the names of the consumers of water and the accounts they owe, accompanied by the corresponding receipts.

Arr. 160. The park bureau shall have charge of the maintenance, arrangement, grading, and adornment of all city parks and squares.

Arr. 161. The bureau of trees in the streets and ornamentation of public ways shall have charge of all public statuary, fountains, trees, or other adornments in public places within the city boundaries.

Arr. 162. The city surveyor shall prepare as soon as possible a scale map of the city showing every street, public way, sidewalk, driveway, and the boundaries of the parcels owned by private individuals and by private or public corporations at the time of the preparation of such map.

Arr. 163. He shall then proceed to divide the city into a series of divisions, the boundaries of which shall be the public streets or ways, and give each plat or division a division number. Within each division he shall then assign a number to each private parcel of land, arranging these numbers in the simplest manner possible. In case it should be necessary at an time to change the boundaries of these divisions or

private parcels, the new ones shall bear new numbers. For the purpose of determining the boundaries of private parcels, the city surveyor shall have the power, in person or by his employees, to examine all deeds on record in any public office relating to such boundaries, and shall arrange his map in accordance with his decision. If, as a result of his investigation, it shall appear that the city has a right to any land occupied by private persons, he shall report all facts relating thereto to the mayor, who, after consulting the corporation counsel, shall take the necessary action.

ART. 164. In no case may the city surveyor alter or modify the rights of ownership or possession recognized by the civil laws. The city surveyor shall have the authority to require the opinion of the corporation counsel as to the ownership and boundaries of parcels or of streets.

ART. 165. The city surveyor shall also prepare a scale map of the city showing the situation and, by reference, the size of all sewers, water pipes, gas pipes, railroad lines or other mechanical appliances in the city's public ways, together with all connections between any such appliances and any private property. All maps prepared as required in this law shall be at the expense of the city.

ART. 166. As soon as any of the maps mentioned above is completed, the city surveyor shall furnish one copy of the same to the heads of the administrative departments and to the board of assessors, and to such other officers as the director of municipal works or the mayor shall direct.

ART. 167. The bureau of the inspection of plans shall inspect all plans of buildings to be built within the city limits and see that the same conform to law.

ART. 168. The bureau of the inspection of buildings shall inspect all buildings now constructed or in the process of construction within the city limits, to see that the same comply with all the requirements of law and are safe for the purposes for which they are used; shall inspect any building used for manufacturing purposes and issue to the occupant thereof a certificate signed by the head of this bureau stating the amount of weight per square foot which the floor of each room can safely carry.

ART. 169. The bureau of the construction and maintenance of municipal buildings shall construct, repair, and maintain all buildings owned or occupied by the city.

ART. 170. No buildings may be erected within the city unless the plans bear the certificate of this department that they comply with the law. The infraction of this article shall be punished as the council shall determine.

ART. 171. Any occupant of a building used for manufacturing purposes who shall not keep in a prominent place in each room the certificate of the chief of the bureau of the inspection of buildings, stating that the requirements of the law have been complied with, and the amount of weight per square foot the floor of such room can bear, shall be punished by a fine of \$10; and any such occupant who shall place a greater weight than that allowed by said certificate shall be punished by a fine of not more than \$100.

ART. 172. The bureau of inspection and testing of boilers and elevators and licensing engineers shall inspect and test all boilers, machines, and elevators used within the city limits at least once every year; shall examine every person employed to run or manage any machinery within the city limits not less than once in every two years, and shall license him for two years.

ART. 173. The bureau of inspection of plumbing and plumbers' licenses shall examine all plumbing used in the city, or hereafter installed, and shall examine and license all plumbers.

ART. 174. All plumbers and persons running or managing any machinery who receive a license under the foregoing article shall pay therefor a license fee of no more than \$5 per year, as shall be determined by the council.

ART. 175. No plumbing may be hereafter installed in the city unless the plans for it have been previously approved by the proper bureau.

ART. 176. Noncompliance with the orders of the city architect shall be sufficient cause to close the premises in question, and they shall remain closed and untenanted until the directions of this official are carried out.

ART. 177. Any person who shall run or manage any machinery, or shall act as a plumber, or shall maintain any elevator for passengers or freight upon the premises which he occupies within the city limits without complying with the provisions of this law shall be subject to a fine to be determined by the council, which shall not exceed \$50.

ART. 178. The property clerk's section shall be in charge of a property clerk.

ART. 179. The bureau of the receipt, care, and issuance of municipal property shall receive, care for, and issue all property used in the department of municipal works upon written duplicate requisitions of the chiefs of the respective sections. He shall give receipts for all property received by him, and take them in duplicate for all property issued. He shall send one of these duplicate receipts to the director of

finance, retaining the other to be transferred to the record clerk of the department upon the completion of the work to which such receipt relates.

ART. 180. The bureau of tests of material purchased and of weights and measures shall have the duty of examining and testing all weights and measures used in the city, and all material received by the bureau named in the preceding article, which shall not receive any material except on the certificate of the former bureau that it is in accordance with the contract of purchase.

ART. 181. The bureau of tests of gas, water, and electric meters shall have the duty of testing all water meters for use in the city, and all gas or electric meters, upon the request and at the expense of any person using the same, and shall regulate them and make them correct.

ART. 182. The bureau of analysis of gas and water shall have the duty of analyzing daily the quality of all water or gas consumed, and shall keep a detailed record of such analysis in form to be determined by the director of municipal works, which records it shall turn over at the end of each quarter to the record clerk of the department.

ART. 183. The bureau of municipal stables and shops shall have the control and management of all the city's shops and stables, and its head shall make an accurate inventory in duplicate of all property in them as soon as possible after such bureau is organized, which inventory shall be revised at least once a year. A copy of this inventory and all revision shall be forwarded to the director of finance.

ART. 184. The section of slaughterhouses and markets shall be in charge of a chief, who shall direct their internal management and keep them in repair.

ART. 185. The bureau of slaughterhouses shall be in charge of a chief, who shall direct their internal management and keep them in repair.

ART. 186. The bureau of markets shall be in charge of a chief, who shall direct their internal management and keep them in repair.

ART. 187. When anyone wishes to use the public ways or any part thereof for scaffolding or the storage of material while building, or wishes to remove any sidewalk or pavement to connect with gas or water mains or with a sewer, or for any other purpose, he shall submit his plans therefor to the head of the proper sections, and upon the approval of such plans by the latter the permit clerk shall issue a permit to him to do the work desired, notifying the chief of the proper division of such issue.

No such work shall be done until the person who desires it shall deposit with the permit clerk the amount to be determined by general rules, which the director of public works shall adopt. After the completion of this work this money shall be returned to the depositor by the permit clerk upon the certificate of the chief of the proper section setting forth that the work has been properly performed and the person who requested it does not owe the city anything on account of it.

In case there is any charge to be made on account of the city for such work, the chief of the proper section shall give notice thereof to the permit clerk, who shall return balance due, after paying such charge, to the interested party, remitting the amount of such charge to the city treasurer, and notifying the director of finance thereof. In case the charge is equal to or greater than the deposit, the permit clerk shall immediately remit the amount of the deposit to the city treasurer and notify the director of finance of such remission and of the additional amount due the city, if any.

ART. 188. The director of finance shall furnish the permit clerk with books of numbered receipts and stubs, which receipts he shall give to the person making the deposit. Receipts issued in any other form shall be invalid.

ART. 189. The permit clerk shall keep a careful and accurate account of all receipts issued and of deposits and the ultimate disposition of the same, and shall furnish daily reports of all cash transactions to the director of finance. When he sends cash to the treasurer, the latter shall give him duplicate receipts, one of which he shall forward to the director of finance.

CHAPTER 7.—DEPARTMENT OF POLICE AND FIRE.

ART. 190. The department of police and fire shall be in charge of an official who shall be known as the director of police and fire.

This department shall be divided into two sections, each under a chief, namely:

1. Section of police, with a detective bureau; 2. Fire section.

ART. 191. Before any land or buildings shall be bought, leased, or erected for the use of the department, the proposed action shall be submitted to the director of the department, who shall return it within ten days to the board of control with his report on it in writing.

Arr. 192. The director shall, with the approval of the mayor, appoint such a number of police surgeons as the council shall authorize. Such surgeons shall be physicians with an academic diploma, and of at least ten years' practice, and shall receive a salary to be determined by the council. They shall attend without charge all employees of the department who are injured in the course of their duty.

Arr. 193. All applications for liquor licenses shall be referred to the director of police and fire, who shall cause the character of the applicant and of the place for which the license is requested to be investigated, and forward his report within five days to the director of finance. No such licenses shall be granted without a favorable report by the director of police and fire.

Arr. 194. The chief of the section of police shall preserve public order in the city limits; he shall see that all police laws are enforced, and shall arrest personally, or by his subordinates, all persons whose arrest or detention is authorized by law.

Arr. 195. The chief of police, at the request of private parties, and subject to the ordinances of the council, may appoint special policemen, to be paid by those who request their appointment.

Arr. 196. The detective bureau shall be in charge of a chief, who shall organize and direct such service.

Arr. 197. The chief of the fire section shall have charge of its organization, the prevention and extinction of fires within the city limits, and the inspection of all volunteer fire companies, which last shall be under his orders whenever there is a fire.

He shall also investigate the origin of all fires and report the result in writing to the director of the department for such action as is proper.

Arr. 198. All fines imposed upon the members of each section shall be kept in special funds, known, respectively, as the police and detective pension fund and the firemen's pension fund.

Arr. 199. Each fund shall be managed by a separate board of trustees composed of six members. The mayor, the director of this department, and the corporation counsel shall each be a trustee of each fund, and the other three members shall be employees of the respective divisions, elected by their fellow-employees for a term of three years. When these boards of trustees shall be first organized, the elected members shall hold office for one, two, and three years, respectively, as may be determined by lot. Thereafter, as a vacancy in the elected members occurs, it shall be filled by electing an employee for a term of three years.

Arr. 200. All money belonging to these funds shall be paid into the city treasury and kept separate from all other funds. They shall be administered by the boards of trustees established in the preceding article, which boards may use the income of such funds for the sole purpose of paying pensions to employees of the respective sections who may be permanently or temporarily injured in the discharge of their duties, or to the widow or children of those killed in the discharge of their duties.

The council, by general ordinance, shall determine the amount of such pensions and under what circumstances they may be paid.

CHAPTER 8.—DEPARTMENT OF HEALTH.

Arr. 201. The department of health shall have charge of all matters relating to the preservation, promotion, and protection of the health of all persons within the city limits, and shall be in charge of a board of health, whose duties are to enforce the municipal sanitary code.

Arr. 202. The mayor shall be ex officio president of the board of health. He shall appoint a vice-president and four other members, with the approval of the council. The vice-president shall preside at all meetings of the board in the absence of the mayor, and shall also be the director of the department. He shall hold his office during good behavior, and shall receive such salary as the council shall assign him. Each of the other members of the board must be a physician of at least ten years' practice, and shall serve without salary. The board shall elect its own secretary.

Arr. 203. The director of the department shall be the executive officer of the board of health and shall represent it when not in session. He shall enforce all its resolutions, orders, and directions, and shall be responsible for all neglect or omissions of duty on the part of his subordinates.

Arr. 204. The members of the board of health, appointed by civil orders No. 13, of the series of 1900, of the Department of Habana, within thirty days after this law shall go into effect, and after the vice-president and director is appointed, shall divide themselves by lot into three classes; each class shall consist of two members, the first class shall hold office for two years, the second class shall hold office for four years, and the remainder shall cease to be members. After the board is once

organized, whenever a member's term of office expires, his successor shall be appointed for a term of four years.

ART. 205. If the board of health previously appointed have prepared a sanitary code, and the same shall have been approved before this law goes into effect, it shall remain the sanitary code of the city until amended; if not, the board shall prepare such a code within thirty days after the board is reorganized, and submit it to the council, which may amend it. After the sanitary code is adopted, it may not be changed or added to except with the approval of the board of health.

ART. 206. In case the orders of any member of the board of health or of any employee of this department are not immediately complied with, he shall call upon the nearest policeman to assist him, and such policeman shall arrest anyone who refuses or neglects to obey the legal orders of such official. Whenever any employee of this Department shall call upon any police officer for assistance, he shall report the fact and all occurrences consequent thereto, in writing, within twenty-four hours, to the head of his section.

ART. 207. The department of health shall contain the following sections, each under the charge of a chief: 1. Sanitary; 2. Records and statistics; 3. Hospitals.

ART. 208. The sanitary section shall be divided into two bureaus, a general bureau and a laboratory bureau.

ART. 209. The general bureau shall inspect the sanitary conditions of public and private buildings, of all occupations which are unhealthy, dangerous, or detrimental, of cemeteries, vehicles, the water system; of pavements, sewers, and street sweeping, and of all sick persons in the city limits. It shall have charge of the inspection of foods, beverages, and drugs, to prevent impurity or adulteration, the management of contagious or infectious diseases of persons or animals, by vaccination, quarantine either on land or water, isolation and disinfection of persons or property, or by other methods, and shall have the enforcement of all preventive medical sanitary provisions in force in the city.

ART. 210. The laboratory bureau shall have a bacteriologist of at least ten years' experience at its head, and shall have charge of all sanitary, analytical, and all bacteriological work carried on by the city.

ART. 211. The section of records and statistics shall have charge of all books and documents of the department not in actual use; it shall receive and tabulate all vital statistics, such as those of births, deaths, marriages, diseases, epidemics, etc.

ART. 212. All physicians and midwives entitled to practice their professions in the city of Habana shall exhibit proof of their qualification to the section of records, which shall register them and furnish them a certificate of such registry without charge.

ART. 213. The section of hospitals shall have entire control of all *casas de socorro*, ambulance service, and all hospitals, reformatory or penal institutions supported wholly or in part by the city; and no such institution shall receive any municipal assistance, in cash or otherwise, except upon the certificate of the director of public health that it is managed in accordance with the sanitary code and the rules of this department.

CHAPTER 9.—LAW DEPARTMENT.

ART. 214. The law department shall be under the charge of a corporation counsel, who shall be a person legally authorized to practice law in this city, and shall have had at least ten years' practice. He may appoint two assistants, each of which shall be a lawyer of at least five years' practice, and such other assistants as the council may authorize.

ART. 215. The corporation counsel shall be the attorney of the city in all matters. He shall prepare all contracts in proper legal form, and they shall all show that they have been examined by him.

ART. 216. Whenever the corporation counsel is requested by the city council or any of the officers mentioned in article 67 of this act, he shall give his opinion as to the rights and duties of the city in any case.

ART. 217. The corporation counsel shall keep full and complete records of the official acts of himself and assistants, which records shall be public.

ART. 218. The corporation counsel shall exercise such further functions as are conferred on him by this law.

CHAPTER 10.—BOARD OF ELECTIONS.

ART. 219. The electoral and municipal census and all matters pertaining to elections in the city shall be in charge of the board of elections.

ART. 220. Each member of the board must be an elector of the city, and shall not hold any other public office or employment. Not more than two of the members

shall be of the same political party, and whenever one is appointed he shall be of the political party which cast the largest number of votes for mayor at the last preceding city election, provided that such party is not represented on the board by two members.

ART. 221. As soon as the board is appointed it shall organize by electing a president and appointing a secretary; it shall then divide itself by lot into three classes, to hold office one, two, and three years, respectively. After the board is once organized, whenever a member's term of office expires his successor shall be appointed for a term of three years.

ART. 222. Within sixty days after appointment the board shall divide the city into election precincts, each of which shall not contain more than 300 electors, and shall rearrange such precincts when it shall become necessary; and shall prepare maps of such precincts and keep them open to public inspection and post copies of them in at least three public places in each precinct at least ten days before any election is held. It shall assign at least one polling place in each such precinct, and shall publish a list of these polling places in two or more daily newspapers at least five times before any election is held, beginning not less than ten days before such time.

ART. 223. The board shall appoint all officers needed to carry out all provisions of the election law and in accordance with its terms, and in accordance with the city budget.

ART. 224. Whenever an election is held and the count of the vote is finished, the officials in charge of each polling place shall immediately prepare a triplicate list of the candidates voted for, with the number of votes received by each, and the office for which each received votes. Such officials shall certify such lists over their signatures, post one copy in a conspicuous place in each polling place, another copy shall be forwarded immediately to the board of elections, and the third to the mayor.

ART. 225. As soon as the board of elections shall receive the various lists mentioned in the preceding article, it shall proceed to tabulate them in a form, in triplicate, which will show the number of votes cast for each candidate for each office in each election. As soon as this tabulated statement is completed they shall immediately post a copy of the same, duly authenticated, in some conspicuous part of their office, or in some public place adjacent thereto, and shall forward an authenticated copy of the same to the mayor.

ART. 226. Upon the receipt of such tabulated form from the board of elections, the mayor shall immediately declare such persons elected as shall have received the greater number of votes cast for each office, and shall immediately issue a certificate of such election over his signature, and the city's seal, to each person thus declared elected, and shall forward said tabulated form to the city council.

ART. 227. The certificates mentioned in the preceding article shall be presented to the city council if the election were for mayor or councilman. The council shall determine what candidates have been elected after examination of all matters relative to the elections contained in the tabulated form of the board of elections, and after considering any protest presented by the interested parties or by any elector.

ART. 228. In case two or more candidates for the office of mayor shall receive an equal number of votes, which number is the highest number cast for any candidate, the council at its next session shall choose one of such persons to be mayor of the city by a majority vote of all its members. The secretary of the council shall immediately notify the mayor in writing of such election, and the latter shall thereupon issue the certificate provided for in the preceding articles. If the council does not decide the election on the first ballot it shall be settled by lot.

ART. 229. In the election held in the year 1900 the four candidates receiving the highest number of votes for councilman in any council district shall receive the certificates of election as previously provided in this law. In case of a tie for election, the mayor shall immediately communicate such fact to the city council, which shall proceed to an election in the manner set out for the election of the mayor in the preceding article.

ART. 230. In the election of the year 1901, and thereafter, the two candidates receiving the highest number of votes for councilmen in any council district shall receive the certificates of election as previously provided in this law. In case of a tie the election shall be determined in the manner set out in the two preceding articles.

TITLE V.—*The municipal finances.*

CHAPTER I.—MUNICIPAL TAXES.

ART. 231. The city's taxes shall conform to the general laws of the country which regulate the tax system.

ART. 232. The city's sources of income are divided into obligatory and voluntaries.

Those classified as obligatorios the city must collect; the taxes or fees classified as voluntarios it may impose or not as it deems proper.

ART. 233. The obligatorio taxes are:

- A. The rents and income of all real and personal property owned by the city.
- B. The rents and income of all real and personal property belonging to such charitable or educational or other similar institutions which are under the control of the city.
- C. The charges for supplying water from the city aqueducts and like matters, as determined by the schedule of rates as adopted by the city.
- D. The amounts determined by the central government for the use of the city - slaughterhouse, and for slaughtering cattle in other places.
- E. The charges for carting meat from the city slaughterhouses to the stores, as determined by the city.
- F. A tax on the rent of urban real estate, in the form determined by general laws for the whole country, which tax may not exceed 12 per cent on the assessed rental value subject to taxation.
- G. A tax on rural real estate, in accordance with the general laws of the country, which tax may not exceed 6 per cent on the assessed taxable valuation.
- H. The general tax on business (subsidio industrial) in conformity with the laws of the country.

As long as the existing laws are not modified this tax shall be the total amount which the taxpayers enumerated in the first, second, and third tariffs paid to the state before January 1, 1899; with the sole exception that gymnasiums and establishments of learning shall not pay this tax.

I. A business tax on the occupations included in the fourth and fifth tariffs of the existing laws, and which are not included among the voluntario taxes. The amount of these taxes shall be determined by the city in its discretion.

J. A tax to be determined by the city in its discretion on the sale of wine, alcohol, and spirits for immediate consumption, and in general on all dealers in spirituous or fermented drinks which contain alcohol.

K. A tax, to be determined by the city in its discretion, on the business of carrying passengers or freight for hire within the city limits, including railroads, omnibuses, suburban railroad lines for public use, cabs, and carts for carrying goods; except only vehicles used to carry the products of farms by their tenants.

If the suburban railroads or omnibus lines run into adjoining towns the towns or cities interested shall agree upon the form and amount of this tax; the town or city in which the principal offices, workshops, and warehouses are situated shall collect the tax and divide it in proportion to the number of kilometers of road in each town.

If the interested towns do not reach an agreement as to the form and amount of such tax within thirty days after the city of Habana has formulated a plan therefor, the question shall be decided by the treasury department of the island within another period of thirty days thereafter. To enable the latter to reach a decision in this matter all papers relating thereto shall be forwarded to said department, which shall make such investigation and take such action as it may deem proper. Until such matter is settled as herein provided, no such tax shall be imposed.

A suburban railroad or omnibus line is one which carries on its business both within and without the city limits, or between the city and neighboring or adjoining towns, and is used principally or almost exclusively for carrying passengers continuously during the daytime.

L. A tax on concessions, franchises, or grants of public utilities granted or made to persons, firms, corporations, or associations, which tax shall be based on the net income of the concessioners or grantees.

This tax shall not prejudice or affect any rights acquired up to the present time under the existing laws and shall not be retroactive.

M. A tax on articles of luxury or comfort, such as saddle horses, private carriages, etc., and on animals which may become nuisances to the neighborhood, such as dogs, etc.

N. Fees which the laws authorize cities to collect, such as for the examination of weights and measures and other similar services.

O. Fines imposed by city officials in the exercise of their powers, such forms of cash indemnities as the city is authorized to collect, and the fines and penalties imposed upon such taxpayers as attempt to evade the payment of taxes.

P. A tax on cemeteries which do not belong to the city, but lie within its boundaries, which tax shall not exceed 5 per cent of the income.

ART. 234. The voluntario taxes are:

A. A tax or license on all business carried on in the public ways, whether in one locality only or by peddlers, which tax shall be determined by a city ordinance.

B. Taxes or licenses on the following: The use of public waters for private purposes.

C. Bath houses using public waters.

D. Interments in city cemeteries.

E. Hearses.

F. Connections with sewers and water mains.

G. Permits for building purposes.

H. Inspection of buildings used for business purposes.

I. All trades which are unhealthy, dangerous, or annoying to the public provided that they are authorized by regulation and are consistent with the public welfare.

J. Issuing certified copies of documents from city offices. Except that no charge shall be made for certified copies issued in proceedings or appeals taken against any act of the city or of any of its agents or officers, or issued for electoral purposes. When such certified copies are issued without fees for any of the purposes above set forth they shall be valid for a term of thirty days only.

K. Examinations and analyses made in the city laboratories or bureaus.

L. Services rendered by the city or by its officers or servants for private purposes.

Art. 235. All taxes on the consumption of articles of food or drink, or on fuel, are prohibited unless expressly authorized.

Art. 236. No taxes shall be imposed on the importation or exportation of any articles into or from the city, or which may affect the transfer of property of any kind, or free competition in trade.

Art. 237. The tax on urban and rural real estate shall be collected every six months. The receipts shall be ready for making collections in October and March for the first and second six months of the fiscal year respectively.

Art. 238. The general tax on business (subsidio industrial) and license taxes shall be collected in advance every six months if they are divisible (prorateable), and annually if they are indivisible (integra) or for licenses. The receipts shall be ready for making these collections in July and January.

Art. 239. Taxes for urban and rural real estate shall be considered in arrears on the first day of the half year next after that in which they are due.

Art. 240. The penalties attached to urban and rural real estate taxes in arrears are:
1. A surcharge at the rate of 8 per cent per annum on the amount due for the first half year during which such taxes are in arrears, or until they are paid, provided they are paid within that period.

2. A surcharge of 12 per cent per annum on such taxes from the first day of the second half year of arrears until they are paid.

3. If such taxes are not paid within one year after the half year in which they fell due, the property on which they were levied shall be sold to pay them.

4. None of these taxes may be paid until those previously due have been paid in full.

5. The city may not collect any of these taxes after the expiration of two years from the end of the fiscal year in which they fell due.

Art. 241. All other city taxpayers shall be considered in arrears at the end of the first month of the year or half year respectively, according to whether such taxes are divisible (prorateable) or not. During the next month they shall be liable to a surcharge at the rate of 8 per cent per annum, during the second and following months at the rate of 12 per cent per annum, and in the third month their places of business shall be closed and their property sold in the form provided by law.

Art. 242. It shall be the duty of the department of police and fire to assist the department of finance in investigating and punishing all persons who evade or attempt to evade the payment of any sums due the city.

The department of finance shall regulate the manner in which such duties shall be performed.

CHAPTER 2.—SPECIAL ASSESSMENTS.

Art. 243. The expenses incurred by the city for sidewalks, sewers, and opening streets shall be borne in whole or in part by the real estate belonging to the State, the city, or to private parties specially benefited thereby in the manner and to the extent prescribed in this chapter. The charge made against real estate on account of such expense shall be known as a special assessment.

Art. 244. Special assessments may be made only for the purpose of laying new sidewalks or sewers, where they did not previously exist, or for entirely renewing them when that is necessary to make them serviceable, or for the opening of new streets. In no case may a special assessment be made for keeping sidewalks or sewers in ordinary repair.

Art. 245. In computing the expense of any work for the purpose of making a special assessment, when the work is done wholly by contract, only the amount paid by the city to the contractor or contractors shall be included; when the work is done

by the city itself such computation shall include only the actual value of material used by the city and the amounts paid by it to persons employed on such work exclusively, and land taken for new streets which may be opened.

ART. 246. When the work is done by the city, the director of municipal works shall forward a detailed statement of the material used and the persons exclusively employed on such work to the director of finance within one week after such work is completed.

ART. 247. Within one week after the contractor is paid, if the work is done by contract, or within one week after receiving the statement mentioned in the preceding article if it is done by the city, the director of finance shall prepare a complete detailed statement showing the total cost of such work.

ART. 248. When sidewalks are laid, the total expense therefor shall be paid by a special assessment on the abutting real estate and shall be divided among the several parcels liable therefor, proportionately to the number of linear front meters of each.

ART. 249. When sewers are constructed, two-thirds of the total expense therefor shall be paid by a special assessment on the real estate abutting on the street in which such sewer is laid, and shall be divided among the several parcels liable, proportionately to the number of square meters in each.

ART. 250. When new streets are opened at the request of the owners through whose property such streets run, said owners shall bear the entire expense.

ART. 251. When new streets are opened by the city, two-thirds of the total expense thereof shall be paid by a special assessment on the neighboring real estate.

The real estate liable to a special assessment in this case shall be all that lies within one hundred meters measured at right angles from each side line of such new street, provided that such measurement does not extend beyond the side line of any other street or beyond a line drawn half way between said new street and any other street running in the same general direction.

The total of this special assessment shall be divided into two equal parts, one of which shall be paid by all the real estate liable thereto proportionately to the number of square meters in each parcel; the other part shall be paid by the parcels abutting on such new street proportionately to the number of front meters in each.

ART. 252. As soon as the director of finance has prepared the detailed statement referred to in article 249 he shall forward it to the city surveyor, who, within sixty days thereafter, shall prepare a list in triplicate of the property liable to special assessments and the amount owed by each parcel, in accordance with the provisions of this chapter, and forward two copies of the same to the director of finance.

ART. 253. As soon as possible after the receipt of the list mentioned in the preceding article the director of finance shall immediately cause the necessary receipts for the collection of such special assessments to be prepared in the bureau of licenses and receipts, and when this is done shall publish such fact, together with a notice that all persons who owe such special assessments shall pay them at the collector's office, in the official municipal newspaper twice a week for four consecutive weeks.

ART. 254. All special assessments shall be liens upon the property against which they are levied, and shall be collected in the same way and under the same penalties for delay as taxes on urban or rural real estate, except that real estate belonging to the State may not be sold for failure to pay such assessments within the time fixed. When the payment of a special assessment is divided into installments and the first installment is not paid within six months after it is due, all others shall immediately become due and payable.

CHAPTER 3.—PROCEDURE IN TAX SALES.

ART. 255. When the time comes when property is liable to be sold for taxes in arrears, the superintendent of the section of arrears shall immediately prepare a list of all such properties and forward the same to the corporation counsel, and forward a duplicate list thereof to the director of the department of finance. The corporation counsel shall take the necessary steps to sell the property in question, but the owner may redeem the same at any time before the sale takes place upon payment of all taxes, penalties, and expenses. Said list shall be published in the official municipal newspaper for three consecutive days.

ART. 256. As soon as the proceedings to sell urban or rural real estate have been begun the superintendent of the section of arrears shall notify the owner thereof to produce his title deeds at the former's office within three days, and shall give written notice to the registrar of deeds to furnish a certificate of the incumbrances on such property within the same time. Such certificate and title deeds shall be on file in the office of the superintendent of the section of arrears and open to public inspection until the sale takes place.

ART. 257. The assessed value of the property shall be the valuation (avalúo or tipo)



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mentioned in the articles of the code of civil procedure referred to in the next article of this law, and such valuation shall be published for thirty days by notices placed in the most public parts of the city and inserted in three consecutive numbers of the official municipal newspapers.

ART. 258. The sale shall take place before the collector of the city, assisted by an assistant corporation counsel, and by a clerk of the law department, who shall draw up all the necessary documents.

Articles 1497, 1498, 1501, 1503, 1504, 1505, 1506, and 1508 to 1514, both inclusive, of the code of civil procedure, shall govern such sale, and the collector shall exercise all the functions therein conferred upon the judge.

ART. 259. Whenever any personal property is seized for arrears of taxes the collector shall name one appraiser and notify the delinquent taxpayer to name another within three days, to appraise the property seized. If the latter does not name any one within such time the appraiser named by the collector shall appraise the property.

ART. 260. As soon as the appraisal is completed, notice of the sale shall be given by notices placed in the most public parts of the city and by advertisement in the official city papers.

Personal property shall be sold in the manner provided in this law for the sale of real estate.

ART. 261. The city may not, in any case, buy in the property belonging to the delinquent taxpayers. Property of either class shall be offered for sale as often as necessary to complete the sale.

ART. 262. Neither the mayor nor any councilman, nor any municipal officer, shall take part in any tax sales as a bidder.

CHAPTER 4.—THE CITY BUDGET.

ART. 263. As soon as the city council shall receive the plan for the budget it shall nominate a committee of five councilmen to examine the same, in which committee the minority shall be represented. The committee shall report to the council in writing, setting forth what parts of the said plan they approve and such amendments and additions thereto as they deem proper. The members of the committee who dissent from the majority may present a minority report, which must first be discussed and voted upon by the council.

ART. 264. The council shall hold daily sessions during the discussion of the budget. Every amendment to the plan therefor must be presented in writing and signed by at least three councilmen and shall be referred to the committee on the budget for its examination and report before being discussed by the council. The budget may be voted on only at a session held for that purpose, after five days' previous notice. No amendment to the plan of the budget may be adopted except by a vote of two-thirds of all members of the council. If no amendments are made to the said plan, a majority of all the members of the council is sufficient to approve it.

ART. 265. As soon as the budget is passed by the council it shall be sent to the mayor, who shall be allowed five days, and no more, to consult the department of law as to whether or not it is in accordance with the law, and within ten days after he shall have received the opinion of the department of law he shall approve or veto the same.

No parts of the budget which are vetoed shall be valid unless such veto is overruled, as provided by this law.

ART. 266. As soon as the board of control shall receive the estimate of expenses from the head of departments or administrative sections it shall have them printed. Each estimate, together with the plan of the budget prepared by the director of finance and the report thereon by the board of control, shall be bound in book form, and the board shall issue an edition of two thousand copies for distribution within the city.

The budget, as finally adopted, shall also be published in the same way within the first six months of the fiscal year, and together with the report by the committee the counsel on the budget, the final vote thereon by *ayes* and *noes*, the opinion of the department of law, and the mayor's veto, together with the vote by *ayes* and *noes* overruling the same, if there is any veto.

ART. 267. If, for any reason, the budget shall not be legally passed before the end of the fiscal year, the city may only collect the income from the property which it owns or which it holds as trustee; the fees by which it is repaid for public services rendered, such as the furnishing of water; the proceeds of contracts in its favor; special assessments, and the taxes which are imposed, and the amount of which are fixed by the general laws of the country.

ART. 268. The budget shall consist of:

I. A tabulated statement in which the sources of income are enumerated in the order determined by this law, separating the obligatory taxes from the voluntary. Such statement shall be divided into the sections, chapters, and articles necessary to specify each source of income.

II. Another tabulated statement, which shall set out all expenses of the city, and which shall express separately and in detail the expenses for material, and for salary of each department in the following form:

1. The amounts necessary to pay all final judgments obtained against the city, and to pay the capital and interest on the mortgage debt or promissory notes of the city which shall come due during the fiscal year.

2. The deficits in the budget of the previous year.

3. Amounts owed by the city on contracts and payable during the fiscal year.

4. Expenses of departments, in the following order:

A. Department of health, inspection of food, and charity.

B. Board of elections.

C. Department of police and fire.

D. Department of municipal works.

E. Treasurer's office.

F. Board of assessors.

G. Department of law.

H. Department of finance.

I. Executive department.

J. Expenses of the city council.

K. Miscellaneous expenses, public calamities, and celebrations.

ART. 269. Whenever the income of the city in any year shall not be sufficient to pay the amount appropriated in the budget, the cash in the treasury shall be used to pay the city expenses in the order stated above. The amount appropriated for miscellaneous expenses, celebrations, and public calamities shall not exceed \$50,000 in one year, of which not more than 5 per cent shall be appropriated for expenses of celebrations and funerals. The said appropriation shall be at the discretion of the city council, which shall determine the manner and the amount to which it shall be expended.

ART. 270. Whenever the plan of the budget shall propose, or the council shall propose, an ordinance containing expenses, or sources of income not included in former budgets, an additional budget shall also be prepared, also divided into section, chapter, and articles, or referring to the corresponding section, chapter, or article of the former budget. Such additional budget shall be preceded by a preamble which shall briefly express the reasons therefor.

ART. 271. No attachment may be levied upon any municipal property or source of income by any judicial order, judgment, or decree unless said property or source of income had been previously specifically mortgaged.

ART. 272. If a final judgment or decree shall be obtained in any suit against the city, directing or adjudging that it pay a liquidated sum of money, or perform an act or deliver any property, notice thereof shall be given in duplicate to the mayor, who shall forward one copy of such notice to the city council and the other to the director of finance, in order that they shall comply with such judgment or decree in the next budget.

If a final judgment or decree shall direct the delivery of anything by the city, the party in whose favor such judgment or decree is given may execute it after he has given the notice referred to in the preceding paragraph and according to the provisions of this law.

Whenever a final judgment or decree directs the execution of any act, the necessary steps to execute it shall be immediately taken so that the rights established in such judgment or decree shall not suffer.

ART. 273. If a final judgment or decree shall direct the payment of a liquidated sum in excess of \$50,000, the payment thereof may be divided in five different parts and among five budgets.

If there are several final judgments or decrees, they shall be complied with in the order of their respective dates.

CHAPTER 5.—THE CITY'S INDEBTEDNESS.

ART. 274. The city of Habana shall not hereafter give any money or property loan its money or credit to or in aid of any private individual, firm, association, or corporation, except as otherwise provided in this law.

Such provision for the aid and support of its poor as the city may make in accordance with law or ordinance is not included in this article.

Art. 275. The debt of the city of Habana shall not exceed three times the assessed taxable rental valuation of the urban real estate within such city, as shown by the last preceding assessment for city taxes.

The following classes of indebtedness shall not be included in such limit, namely:

1. Certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, unless the same be not paid within one year from the date of issue.
2. Certificates of indebtedness or bonds issued in anticipation of the collection of special assessments, unless such certificates or bonds be not paid within one year from the date when they were issued.
3. Bonds issued for the supply of water or light or for other specific undertakings from which the city will derive a revenue, but from and after a period to be determined by the council, not exceeding five years from the date of the issue of such bonds, whenever and for so long as such undertaking fails to produce sufficient revenue to pay all costs of operation and administration (including interest on the city's bonds issued therefor and the cost of insurance against losses by fire and injuries to persons and repairs) and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking. All such bonds outstanding shall be included in determining the limitation of the city's power to incur indebtedness.

The director of finance shall annually report to the council in detail the amount of the revenue received from each such undertaking, and the deficit, if any, after complying with the requirements above set forth.

Art. 276. In determining the limitations of the city's power to incur indebtedness there shall be deducted from the total amount of its indebtedness to be included in such calculation the amount of cash or the par value of the securities which are held by the sinking-fund commission.

Art. 277. At the time of the issue of any bonds the city shall make provision to raise a sum of money by taxation sufficient to pay, as it falls due, such of the interest thereon as is not exclusively payable from the receipts of the revenue-producing undertakings above set forth, and to pay and discharge the principal thereof within twenty-five years from the date of their issue. Whenever in any year the receipts from any revenue-producing undertaking shall be sufficient to pay the cost of operation and administration, as above defined, and the annual amount thereinbefore required, the same shall be paid from such receipts.

Art. 278. Whenever the city shall not have the necessary funds on hand to meet the expenses already authorized by the council, for the reason that the taxes of the current year have not been collected, but for no other reason, the board of control, by a vote of at least five of its members, may authorize the issue of municipal bonds in anticipation of such collection. These bonds shall be called revenue bonds, and shall not run for more than eleven months, and shall be expressly payable from the ordinary collections of the fiscal year in which they are issued, shall not bear over 6 per cent per annum interest, and shall not exceed one-half of the income of the city, as set out in the current budget. No new bonds shall be issued under this article if any of those previously issued are overdue and unpaid.

Art. 279. When the board of control has authorized the issue of revenue bonds, the director of finance may contract for their sale with any responsible party, including the sinking-fund commission. Before issuing such bonds he shall advertise for bids at least three times a week for two weeks in two daily papers published in the city, and shall award the contract for their sale to the bidder which offers the most advantageous terms to the city. All bids for such bonds shall be sealed. Such bonds, when issued, shall state upon their face that they are payable from the income of the municipal fiscal year in which they are issued.

Art. 280. Revenue bonds shall not be actually issued until the money is needed for the city for immediate use, but when the city shall have a contract for their sale with any responsible parties the director of finance shall enter such bonds on the books of the city as available assets, against which he may certify on contracts that the city has funds with which to meet them.

Art. 281. When the city is authorized to make special assessments for any public improvement against the adjoining property or the owners thereof, which assessments are payable either wholly or in part more than one year after they are made, the board of control, by a vote of at least five of its members, may authorize the issue of municipal bonds to pay so much of the expense of the improvements thus made as shall be collectible by assessments payable more than one year from the date of such issue. Such special-assessment bonds shall state on their face that they are payable from the proceeds of such special assessments. They shall not bear over 6 per cent per annum interest, shall not exceed 95 per cent of the amount of such assessments, and shall become due and payable not more than three months after such

assessments are due and payable. The director of finance shall issue such bonds in the same manner in which he issues revenue bonds.

ART. 282. When the council shall determine that the public interests require the construction or acquisition of any permanent building or improvement, or any other public undertaking from which the city will derive a revenue, the cost of which, in addition to the other expenses of the city, will exceed the income of the city, as set out in the budget for the current fiscal year, the council may, by special ordinance, submit a proposition to incur a bonded indebtedness for such purpose to the election of the city at a special election to be held for that purpose only, at which the electors shall decide by a majority of votes cast whether such indebtedness shall be incurred or not.

ART. 283. If the majority of electors voting on such question are in favor of such an issue of bonds, the council shall proceed to issue them in the following manner:

1. It shall advertise for proposals for the sale of such bonds at least once a week for seven successive weeks, in Spanish in at least two papers published in Havana, and in English in at least two papers published in New York, which advertisements shall state that all conditions relative to such issue of bonds are open to public inspection in the office of the secretary of the council, and that such bonds will be issued in such quantity and at such times as the director of finance shall determine.

2. All bids shall be sealed and be filed with the secretary of the council by or before 12 o'clock noon of the last day stated in such advertisement.

3. Such bids shall be opened at 12 o'clock noon on the last day for filing the same, by the secretary of the council, in the presence of the mayor, director of finance, the corporation council, the president of the council, and two other members of the council nominated for that purpose, or in the presence of a majority of them; shall be publicly read by said secretary, who shall make a record of them in a book provided for that purpose and file the original bids in his office. The bids shall be immediately examined by the officers above named, except said secretary, and they shall prepare and forward their report upon the same to the city council within three days. All bids with alterations or erasures shall be rejected.

4. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a certificate that cash or bonds of the city at par have been deposited with the city treasurer equal to at least 3 per cent of the amount of the bid, to secure the purchase of the bonds to be issued if the bid is accepted. Bids may be made for the whole of such proposed bonds issue or for any part thereof.

5. Upon receiving the report of the officers above named upon such bids the council shall immediately proceed to examine them. It may reject any or all bids and shall accept such as may be to the best advantage of the city. Such acceptance of bids shall be in the form of a resolution and shall be subject to the mayor's approval or veto, either in whole or in part, which veto may be overruled only by a vote of 20 members of the council.

6. If the bidder to whom such issue of bonds or any part thereof is awarded shall fail or neglect to take the bonds awarded to him and pay for the same in full within five days after he is notified to do so by the director of finance, the latter shall immediately notify the city treasurer thereof, who shall immediately place such cash or bonds deposited among the city's general funds; under no circumstances shall such cash or bonds or the proceeds thereof be returned to such defaulting bidder.

7. All bids for the purchase of such bonds by or on behalf of the mayor or any councilman shall be rejected.

ART. 284. All bonds, notes, or certificates of indebtedness of the city shall be signed by the mayor and director of finance, shall bear the seal of the city and the certificate of the corporation council that they are legally issued. When they are payable out of any particular fund that shall be stated on the face of the bond. When they are issued in accordance with the terms of article 283 they must recite in detail on their face the manner in which the conditions therein set out have been complied with.

ART. 285. All bonds of the city shall be printed from engraved plates. The signatures of the mayor, director of finance, and corporation council may be engraved in fac simile on such plate and printed at the same time as the rest of the text of such bonds, provided that such officials shall previously file an exact copy of them, bearing their autographic signatures, with the city treasurer.

ART. 286. No bonds shall be issued by the city to run for more than twenty-five years, nor shall they bear interest at the rate of more than 6 per cent, payable semi-annually. They may be registered or with coupons, in the discretion of the council. No bonds shall be sold at a smaller price than their par value and their accrued interest. The principal and interest of all bonds of the city shall be made payable in any kind of money only, which shall be set out in the bonds themselves.

287. The sinking-fund commission of the city of Habana shall have the right for any bonds issued by such city, and shall be awarded all bonds for which commission shall offer to pay par and accrued interest.

288. When the bonds have been issued payable from any specific class or of city income, such income, as fast as received, shall be kept separate from the city treasurer, and the balances remaining after paying the expenses of maintaining the property from which such income is derived shall be only for the payment of the principal and interest of such bonds until the same are fully met, as set out in the conditions under which they are issued.

289. When any bonds or coupons of any city loans are paid they shall be immediately canceled by perforating them with the word "pagado;" a list of them hereupon be made, and they shall be completely destroyed by fire, in the presence of the sinking-fund commissioners, or a majority of them, and of a notary authorized for that purpose by the council. The notary shall thereupon certify destruction, giving the series, number, and amount of each bond and coupon and the date when they severally became due, which certificate shall be countersigned by the members of the sinking-fund commission then present and be filed in the office of the director of finances. The certificate made as herein provided shall be conclusive proof that the bonds and coupons thereon have been thus destroyed.

290. An indebtedness incurred or any certificate of indebtedness, notes, or bonds issued contrary to the provisions of this law shall be null and void and of no effect.

CHAPTER 6.—SINKING-FUND COMMISSION.

291. The mayor shall be the president of the sinking-fund commission. It shall be organized by the appointment of a secretary and such clerks as the council may determine.

The commission shall keep a detailed and classified record of all its proceedings and of all acts done under its control or supervision.

292. All appropriations made by the council for the payment of any final debt, or of any notes of the city, or for the expenses of this commission, shall be made in its name, and no payments shall be made from such appropriation except on the order of the commission and on its order signed by the mayor. No payment of interest, bonds, or coupons shall be made except upon their actual surrender and cancellation.

293. The sinking-fund commission shall have the exclusive management and control of the details of issuing any bonds or notes of the city and the receipt of cash and the proceeds therefor.

294. When at the end of any municipal fiscal year there is an unexpended balance in any ordinary expense appropriation, and there is an unexpended cash balance in the treasury, a separate account shall be kept of such balances and such cash, and shall remain in an open account for the term of six months. At the end of six months all such cash not expended shall be transferred to the credit of the sinking-fund commission and be subject to its order only.

295. All cash in the possession of the city treasurer which is subject to the order of the sinking-fund commission shall be kept separate from all other cash, and the proceeds to the credit of such commission shall be in an account separate from all other accounts.

296. When there is an unexpended surplus in cash to the credit of the sinking-fund commission at the beginning of any fiscal year, they may apply the same only for the following purposes:

- 1. To redeem bonds of the city.
- 2. To purchase of trust securities for the benefit of the sinking fund.

297. When the sinking-fund commission has \$20,000 in cash at its disposal for the purposes of the budget of the current fiscal year, or when it is to pay any city bonds, as provided in the preceding article, it shall advertise in at least three papers published in the places where the bonds are domiciled at least a week for three successive weeks for bids for the sale of such bonds. It may reject any or all such bids, in its discretion, but it may not accept any bid that is less than one not accepted.

298. When the sinking-fund commission has any cash at its disposal and it is to expend it in the manner prescribed in the preceding article, it may invest the same in bonds of the island of Cuba issued after this law takes effect, of the United States of America, of the United Kingdom of Great Britain and Ireland, and in first mortgages upon unencumbered urban real estate in the city of Habana, provided that the mortgages shall not be for more than one-half of the value of such property as is shown in the assessors' lists on a 10 per cent basis.

ART. 299. The commission may investigate any transactions affecting the sinkin fund in any part of the city government, or any agency or depository thereof; it may send for persons and papers, issue subpoenas, compel the attendance of witnesses, and may take testimony, either orally or by deposition. The result of such investigation shall be reported to the mayor and the corporation counsel.

TITLE VI.—*Concessions and contracts.*

CHAPTER I.—CONCESSIONS.

ART. 300. All rights which the city of Habana now has or may hereafter acquire in and to any water front, ferries, wharves, quays, docks, streets, avenues, parks, bridges, buildings, and in or to all public places are hereby declared to be inalienable except by a four-fifths vote of all the members of the council, with approval of the mayor, but they may be made the subject of a concession or franchise as provided in this chapter.

ART. 301. All concessions, franchises, or rights for the use of public places within the city limits shall be granted or ceded by the city only.

When such concessions, franchises, rights, or grants involve the use of public property, both within and without the city limits, they shall be granted or ceded by the state; but in such case the project therefor must be submitted to the city for its examination for the period of thirty days, and if the mayor and four-fifths of the council shall disapprove the same, the concession, franchise, right, or grant contemplated in said project may not be ceded or granted.

ART. 302. No such concession, franchise, right, or grant shall be ceded or granted to any person, partnership, firm, corporation, or association for a term of more than twenty-one years, and it may contain the condition that upon its termination all the property of the concessioner or grantee, used in connection with the business it carries on in pursuance thereof, shall pass to the city, either with or without paying compensation therefor, but no such payment may be made by the city because of the value of such concession, franchise, grant, or right, in which case the manner of determining the amount the city is to pay shall be specified.

Every such concession, franchise, right, or grant shall contain the necessary clause to insure, by the penalty of forfeiture and otherwise, a strict compliance with its terms, an efficient public service at equitable rates, and the maintenance of the property in good order during its continuance.

ART. 303. The parties who are the grantees of, or have the use or usufruct of, any concession, franchise, right, or grant, shall keep books of account and shall annually make a report of all their financial transactions and condition to the director of municipal finance in such form as the latter may direct. The director of municipal finance may at any time, in person or by deputy, examine the books and accounts of said parties.

ART. 304. No such concession, franchise, grant, or right shall be ceded or granted except by public bids, after publishing a notice for at least three times a week for one month in not less than two papers in the city of Habana, stating that the terms thereof are open to public inspection in the office of the secretary of the council, and also stating the time and place of opening the bids therefor.

Any person, firm, association, or corporation may present bids, which must be accompanied by a certificate from the city treasurer that the bidder has deposited with the city treasury cash or bonds of the city equal to the amount determined by the city council and published in said notice. Such amount shall not be less than 5 per cent of the estimated cost of the work authorized by such grant, nor in any case less than \$10,000. The city council may reject any or all bids and republish for bids for such grant, but it may not accept any bid except the one most advantageous to the city.

ART. 305. When any cash or bonds are deposited as set out in the preceding article, they may be returned only as provided in this article.

When any bid is rejected, such deposit shall be returned to the bidder who deposited it, on the certificate of such rejection from the secretary of the council. When a bid is accepted, one half of such cash or bonds deposited shall be returned to the successful bidder on the certificate of the director of the department of municipal works, approved by the mayor, that one half of the work is completed in accordance with the terms stipulated. The other half shall remain as a deposit until the director of the department of municipal works and the corporation counsel and the mayor shall jointly certify that all the work has been fully completed in accordance with all the terms of the grant.

If the city treasurer shall not receive such last-named certificate within the time

provided by the grant for the completion of the work by the grantee, or if no such time is stated in the grant within five years after the grant is made, the balance of such deposit remaining shall be forfeited to the city, and the treasurer shall place the same among its general funds.

ART. 306. Any sum stipulated to be paid to the city for any such concession, franchise, grant, or right shall be paid in addition to the taxes imposed by the general law of taxation, and no provision in such concession, franchise, grant, or right shall limit the power of the State to impose taxes or to authorize the city to impose taxes on the grantees or those who have the use or usufruct of such concession.

ART. 307. None of the provisions of this chapter shall have any retroactive effect.

CHAPTER 2. CITY CONTRACTS.

ART. 308. Every contract for public improvement or repairs shall be based on a detailed estimate of the cost of such improvements or repairs. The city may not make any contract except in the manner determined in this chapter or in other parts of this law, as they may severally apply.

ART. 309. The city may not enter into any contract for services rendered or to be rendered or for supplying material for a period which may exceed one year, except that under extraordinary circumstances it may contract for a term not to exceed five years at the most.

ART. 310. All contracts except those for services must be based on specifications prepared by the city and be let in the manner set out in this law.

ART. 311. All contracts for material, machines, or processes which are patented or which are under the control of one person or company must be made the subject of a special contract or public bids.

ART. 312. No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated.

ART. 313. All contracts involving more than \$250 shall be in writing, signed and executed by the mayor, with the approval of the council and board of control. They shall be countersigned by the director of finance and charged to the proper appropriation; and whenever the contracts so charged equal the amount of any appropriation he may not countersign any further contract or pay warrant chargeable to such appropriation.

ART. 314. When the city authorizes any improvement or repairs or purchases any supplies the cost of which shall exceed \$500, it shall proceed as follows:

I. It shall advertise for bids for a period of two weeks, once each week; or, if the estimated cost exceeds \$5,000, four weeks, once each week, in two newspapers of general circulation published in the city.

II. All proposals for bids shall state that the conditions and schedules are on file in the office of the clerk of the board of control; that the articles to be contracted for shall be delivered in such quantity and at such time and place as the director of the department or chief of the section shall direct; that bids may be made for one or more articles separately; that one or more articles may be accepted and the rest rejected in any bid, and that all articles which do not comply exactly with the conditions may be rejected.

III. The bids shall be filed with the clerk of the board of control, sealed up, by 12 o'clock at noon of the last day, as stated in the advertisement.

IV. The bids shall be opened at 12 o'clock noon on the last day for filing the same by the clerk of the board of control, the mayor, and the head of the appropriate department, or any two of them, and publicly read by the officer opening the same, filed in the office of the board of control, and reported by the clerk of the board to the council before the next regular meeting thereafter; and copies of all bids shall be kept by the clerk in a book provided for that purpose. All bids with alterations or erasures therein shall be rejected.

ART. 315. Each bid shall contain the full name of every person interested in the same, and shall be accompanied by a certificate that the bidder has deposited with the city treasurer cash equal to at least 10 per cent of the bid to secure the performance of the contract, if such bid is accepted. Such deposit may also be made in bonds of the city of Habana at their par value.

If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract or to file any security that may be required, the mayor's secretary shall notify the director of finance and the city treasurer thereof, and the latter shall immediately put such cash or bonds deposited among the city's general funds. Under no circumstances shall such cash or bonds be returned to such defaulting bidder.

ART. 316. If the work bid for embraces both labor and material, they shall be separately stated in the bid, with the price thereof.

In the case referred to in the preceding paragraph none but the lowest and most

responsible bids shall be accepted, but the council may, in its discretion, reject all the bids or accept any bid which may present the lowest aggregate cost, when recommended by the board of control.

ART. 317. The contract shall be between the city and the bidder. The city shall pay the contract price for the work in cash, provided, however, that the contract for any improvement, for the payment of the cost of which a special assessment is authorized by law, may be paid in installments, as the council may have previously determined.

If two or more bids are equal for the whole or any part of the work, but are lower than any others, either may be accepted, but in no case shall the work be divided between them.

When there is reason to believe that there is collusion or combination among the bidders, or any of them, the bids of those concerned therein shall be rejected.

In case of emergency, and on the recommendation of the mayor, the council may by special ordinance, authorize any expenditure not exceeding \$1,000 without complying with the provisions of this chapter.

ART. 318. All contracts for official advertising shall be let annually in like manner to the lowest responsible bidder publishing a daily newspaper in the city which has a bona fide daily circulation of at least 2,000 copies and has been in existence the time of letting such contract for at least one year.

The paper making the bid shall agree to publish all official reports, orders, ordinances, messages, resolutions, notices inviting proposals, and all notices except as are required by law to be published in the *Gaceta Oficial*. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list.

The conditions on which the bids are based shall not classify the different kinds of advertisements or publications, and no bid which makes a different rate for different classes shall be considered.

The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other official advertising.

The newspaper to which the award for such official advertising is made shall be known and designated as the "official municipal newspaper."

ART. 319. No contract for work to be done for or material to be supplied to the city or any department thereof shall be made with any councilman, officer, or employee of the city, or with any firm, partnership, corporation, or association of which such councilman, officer, or employee is a member or stockholder, or by which he is employed in any capacity. If any councilman, officer, or employee, during the term for which he shall have been elected or appointed, acquires an interest in any such contract, he shall forfeit his office.

ART. 320. Any officer of the city who shall aid or assist a bidder in securing a contract to furnish labor, material, or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of misfeasance and shall be removed from office.

ART. 321. The city's copy of all contracts signed shall be kept by the secretary of the board of control, who shall keep an accurate and detailed register of them.

ART. 322. Any contract made otherwise than in compliance with the terms of this chapter shall be void.

TITLE VII.—*Appeals from the acts of the council and of the city officers.*

ART. 323. All persons who consider their rights violated by any act of the council may appeal to the courts.

Whenever requested by the officers of the executive department of the insular government the fiscals shall bring the proper action or proceeding before the courts for any violation of the law or acts ultra vires on the part of the council.

ART. 324. The rights given to private persons in the preceding article may be exercised by them collectively in an *accion pública*, and they may name an attorney in fact or representative to carry on such action.

ART. 325. In all the cases mentioned in the two preceding articles the council shall be represented by its president, who shall name his procurador, who shall proceed as directed by the corporation council. When suit is brought the council shall decide whether it shall be represented in the proceedings or not.

Art. 326. All actions or proceedings against the city shall be heard and determined by the judges who have jurisdiction in the premises as determined by the code of civil procedure.

Art. 327. The action or proceeding authorized by the preceding articles must be commenced within thirty days, exclusive of Sundays and holidays, after the action of the council against which the appeal is taken has been published.

Art. 328. The secretary of state and government may suspend any ordinance, resolution, or regulation of the council or of any city officer which violates the law or is ultra vires within thirty days after their publication, provided that within the same period the proper action or proceeding is begun before the judge who has jurisdiction. Said secretary shall be represented by one of the fiscales. If such period of thirty days shall elapse before such suit or proceeding is begun such suspension shall ipso facto be null and void and of no effect.

Art. 329. When in the course of such an action or special proceeding it shall appear that any councilman or city official has committed any violation of the law, or act ultra vires, maliciously or fraudulently, he shall be sentenced to pay the costs. The courts shall always expressly determine this question in all their sentences.

Art. 330. An appeal lies to the mayor from the decision of all city officials except in the cases prohibited in this law. Such appeal must be taken by filing a protest on the part of the person who considers himself prejudiced thereby, with the official who made such decision, within three days after being notified thereof.

When such protest is filed, unless said decision is changed within three days, it shall be forwarded to the mayor, who, after consultation with the corporation counsel, shall make such investigation as he deems proper and render his decision within ten days.

Art. 331. The party interested may appeal from the decision of the mayor by beginning the appropriate action or special proceeding in the court which has jurisdiction within thirty days after being notified thereof.

ADDITIONAL PROVISIONS.

Art. 332. All records of the city shall be open to the inspection of any vecino at any reasonable time, except the minutes of the secret sessions of the city council held to discuss nominations or to discuss the evidence on the impeachment of the mayor, its president, vice-president, or any of its members.

Art. 333. All amendments made to this law or to any city ordinances shall be made by setting forth the whole article as amended, and not by reference to such article only. Any amendment made in any other manner shall be void.

Art. 334. Nothing in this law shall be construed to abridge the power of the council to remove or prohibit the use and occupation of streets, public ways, sidewalks, or arcades, or the space above and below the same; nor shall their use or occupation by permission or consent of the city council operate to give any title to such streets, public ways, sidewalks, or arcades or spaces to anyone using or occupying the same.

TRANSITORY PROVISIONS.

Art. 335. In the city of Habana the only city officers to be elected are the mayor and the councilmen. The election of the councilmen shall conform to articles 21, 22, 23, 24, 29, and 336 of this law, which shall take effect as soon as this law is published. The other articles of this law shall take effect at noon on July 1, 1900.

Art. 336. The mayor shall issue a certificate of election to every candidate who shall be declared elected in accordance with order No. 164 of the military governor, bearing date April 18, 1900, and in accordance with this law, and shall send all his records relating to such election to the secretary of the present ayuntamiento, in order that they may be presented at the session in which the city council is organized.

Art. 337. When the city council shall organize for the first time under the provisions of this law, the councilmen elect and the present secretary of the ayuntamiento shall meet in the city council chamber at noon on July 1, 1900. Said secretary shall inquire which one of the councilmen elect who are present is the oldest, and whoever is the oldest shall act as temporary chairman of the meeting, and proclaim such councilmen elected against whose election no protest is made. The consideration of the protested elections shall be immediately taken up and decided.

In case the election of all the persons holding certificates shall be protested, those present shall nominate a committee of five from among their own number to examine the credentials of the others, and as soon as the credentials of five of such others have been approved, these last named shall examine the credentials of the rest, and shall add to their own number all councilmen whose election has been approved.

If the certificates of election are all passed upon on the same day the council shall be declared organized, and if a quorum is present the councilmen shall proceed to elect their president and vice-president and appoint the secretary of the council.

ART. 338. There shall be no appeal from the decision of the council in determining the election of its members except in the form of an action in the courts to determine the personal responsibility of the councilmen.

ART. 339. The budget of the fiscal year 1899 to 1900 shall continue in force provisionally until January 1, 1901, unless a new provisional budget is previously enacted in accordance with the provisions of this law.

If the various city officials and the city council shall not enact a new provisional budget for the second half of the fiscal year 1900 to 1901 in the manner provided in this law on or before January 1, 1901, the city may collect only such taxes as are authorized by article 267 of this law.

ART. 340. All taxes due for the fiscal year 1899 to 1900 and not paid on July 1, 1900, shall be collected in accordance with the law in force when they were imposed. After July 1, 1900, all taxes shall be levied and collected as provided in this law.

ART. 341. Until the various officers named in this law are appointed in accordance with its terms, the existing city officers shall perform the duties of the officers named in this law as follows:

First. The Contador shall be the director of finance, and shall appoint a proper clerk and the chiefs of the bureaus of audit and bookkeeping from among the present employees of the Contaduría.

Second. The Jefe del Departamento de Contribuciones shall be the collector.

Third. The Segundo Jefe del Departamento de Contribuciones shall be the superintendent of arrears.

Fourth. The Jefe del Departamento de Impuestos y Arbitrios shall be the license clerk.

Fifth. The chief engineer of the engineer department of the city of Habana shall be the director of municipal works.

Sixth. The Arquitecto Municipal shall be the city architect.

Seventh. The Jefe de la Policía Municipal shall be the director of police and fire.

Eighth. The Inspector de los Servicios Sanitarios shall be the director of the department of health, inspection of food, and charity, and vice-president of the board of health.

Ninth. The senior Abogado Consultor shall be the corporation counsel, and the younger shall be the first assistant in the department of law.

Tenth. The Depositario Municipal shall be the city treasurer.

Such provisional officers shall immediately proceed with due diligence to organize their respective departments or branches of the administrative service, and as soon as such organization is complete to conduct them in accordance with the provisions of this law.

ART. 342. Within forty-five days after taking possession of his office the mayor elected in the year 1900 shall submit the nomination of all officers mentioned in article 51 to the council; those who are confirmed by the council before October 1, 1900, shall be considered definitely appointed. The assessors shall be nominated within ten days after said mayor takes possession of his office.

The officials mentioned in articles 52 and 55 shall be nominated within thirty days after the several heads of departments take possession of their respective offices.

If the appointments referred to in this article shall not be made within the time limit set, the persons who provisionally fill such offices may not continue to exercise their functions unless they conform to all the conditions imposed by this law.

ART. 343. Until the first budget is passed in accordance with the provisions of this law, the council may appoint as many assistants in the office of its secretary as are absolutely necessary, in accordance with Subdivision II of article 35 of this law.

ART. 344. Any security furnished by the present city officials who are provisionally appointed to office by article 341 of this law shall continue in force, and shall serve as a guaranty for the proper performance of their duties during such transition.

FINAL PROVISION.

ART. 345. The existing Ley Municipal and all other laws, decrees, orders, ordinances, or resolutions, which in whole or in part conflict with this law, or any part of it, are hereby repealed within the limits of the city of Habana.

N. ESTRADA Y MORA.
LEOPOLDO CANCIO.
JUAN F. O'FARRILL.
ONCAR FONTS.
CÁRLOS PÁRRAGA.
ORENCIO NODARSE.
J. N. CASANOVA.
ERNEST L. CONANT.
OSGOOD SMITH.

THE HABANA INDUSTRIAL SCHOOL FOR ORPHANS.

This institution, which it is believed will be of immense value to Cuba in the future, was the outgrowth of the endeavors made to provide food, shelter, and instruction for the formidable class of helpless and dependent orphans in Habana.

The intention at first was to establish an orphan asylum for both boys and girls, and the old Spanish artillery barracks on Compostela street was obtained from the State authorities for this purpose and so repaired and modified as to take care of some 400 orphans, but the numbers requiring aid were found to be so large that it was determined to include girls only and make other disposition of the boys, preferably in the country, where agricultural and mechanical pursuits could be more conveniently established in connection with the orphanage.

But if the future of these orphans was to be made worth while they should have an opportunity to acquire a knowledge of useful industrial arts by which to earn their living, or otherwise to remain indefinitely dependent upon public charity.

Furthermore, in order that the institution should be one of advantage not only to its immediate beneficiaries but to the whole island, it was essential that it be constituted as a normal school or center of instruction where half-grown girls and young women, themselves orphans and dependent, could receive instruction in the methods and management of such an institution and be prepared to inaugurate and conduct them elsewhere so as to establish other centers in the several provinces.

The public school system does not include industries or trades. The means of employment for girls and women is extremely limited. A modicum of teaching, a few nearly profitless uses of the needle, and, in individual cases, some music or painting are about all the occupations open to girls of the better class in Cuba. An institution was necessary where dressmaking, millinery, housekeeping, domestic arts, kindergarten, typewriting, stenography, bookkeeping, and the like could be taught, and the ambition and capacity for independent self-support be inculcated and acquired.

This development of the original plan of the orphan asylum, both theory and practice, is due to the cooperation and personal endeavor of Miss Laura D. Gill, of the Cuban Orphan Society of New York, and I must record my obligations both to the society for their interest in the matter and their permission to avail myself of the services of its representatives in Cuba, and to Miss Gill and her coadjutors for the organization and establishment of the combined school and orphanage.

The normal courses were constituted with three departments of eighteen months' courses each and 18 students in each department, viz: Kindergarten, in charge of Miss Knight, a graduate of the New York Normal College; domestic science, in charge of Mrs. Baker, of the Drexel Institute, and domestic arts, in charge of Miss Cole, of the Pratt Institute.

The normal students were drawn from the principal cities of the island, the mayors being invited to nominate six students each, possessing certain stated requirements.

The students act as assistant instructors and gain knowledge and experience thereby, including also English, vocal music, and physical training.

Three hundred and fifty girl orphans between ages 4 and 18 constitute the basis of the school and receive instruction in the regular public school branches, also house and laundry work, cooking, sewing, weaving, vocal music, and calisthenics. Of the last, Mrs. Washington, a Delsarte graduate, is in charge.

Two graduated nurses from St. Luke's Hospital, New York, have charge of the health and sanitation of the school—Miss McCurdy as superintendent of the infirmary and dormitories, and Miss Robertson as superintendent of hygiene and sanitation of the entire establishment.

Under the superintendent of hygiene are several Cuban supervisors, each in charge of 30 children and responsible for the cleanliness and conduct of the children, their clothing, and dormitories.

The institution is completely equipped and in operation under the direction of a general superintendent and a secretary, and has medical attendance, and will be the permanent nucleus for the care and instruction of the large class in question and the expansion of the means of education and training provided.

The particulars with reference to the reconstruction of the buildings are given in Lieutenant Carpenter's report.

HEADQUARTERS DEPARTMENT OF HABANA,
Office of the Aide-de-Camp to the Commanding General, April 30, 1900.

ADJUTANT-GENERAL DEPARTMENT OF HABANA.

SIR: In compliance with instructions received from you, I have the honor to submit the following report in the matter of the Habana Industrial School for Orphans:

This institution was organized and is maintained for the care and instruction of Cuban orphans—girls not over the age of 13. It aims at teaching a useful occupation to each child it receives, being guided in its choice by the natural aptitude of the child herself for certain work. It has kindergarten, manual training, domestic art and science departments, and a limited class of normal students, the latter received from all parts of the island.

The institution is located in the block of buildings formerly known as the Cuartel de Compostela, corner of Compostela and San Ysidro streets, this city. They were formerly used by the Spaniards as light artillery barracks, and were in a filthy condition at the time of the American occupation.

They were completely renovated, repaired, and altered extensively to meet the requirements of a large industrial school. This work was done under the direction of the chief engineer of the department.

On October 27, 1899, I was directed by the commanding general to supervise the equipment of these buildings with everything necessary for a complete industrial school of sufficient capacity to take care of 400 children, the original idea being to divide this number equally between boys and girls. Later, however, this plan was abandoned, another institution being provided for the boys, and the school at Compostela Barracks being set apart for girls.

An allotment of \$9,500 was obtained from division headquarters for the above purpose, \$1,500 of which was specifically set apart for wiring the building for electric light. In accordance with the above provision a complete installation of electrical conductors, fixtures, shades, and lights have been provided; and provision made to connect up to mains from the plant now being installed in Hospital Militar when the latter shall have been completed. Sixteen-candlepower incandescent lights are installed throughout, except in the large central patio, where two arc lights are provided.

As it was desired to open this school at the earliest possible time, and as the lighting plant of the Hospital Militar would not be ready to furnish current for some months, and furthermore, as a desirable reserve in case of accident to this plant or the wiring system, the buildings of the institution were piped for gas throughout, and upon connection with the gas company's mains this light became immediately available and is now in use.

A complete steam kitchen of the most modern type has been installed, the boiler used in connection therewith being of sufficient capacity to supply in addition any steam laundry that it may be found expedient to install in the future. A pump and receiver were installed in connection with this boiler to receive the water of conden-

sation from the main return of the steam kitchen and return same to the boiler. This was deemed advisable for two reasons—first, that the formation of scale excessive in this city owing to the character of the water might be reduced to a minimum; and, second, that the exhaust from the system might be taken care of satisfactorily.

It was impossible at first to foresee all of the many needs of an institution of this character, and as the number of pupils increased and departments were added, and the scope of the school broadened, a great amount of carpenter work, plumbing, masonry work, etc., was found necessary and a large force of men were thus employed. The large central patio was not paved and after rains was found to be in a bad condition in spite of careful grading and draining. It was therefore concreted throughout, as were the passageways between the three central dormitories and the floors of certain storerooms and of the kitchen, laundry, and washrooms.

Material for the equipment of the institution was purchased from various firms in the United States and Cuba in amounts sufficient to provide for a total of 400 children. The dormitories were furnished with iron bunks, obtained by permission of the Secretary of War from the Quartermaster's Department, and of the same type as those used at permanent posts by the soldiers of the United States Army. The dormitories are further equipped with a chair for each bunk, and the bunks with pillows, pillowcases, sheets, spring covers, and blankets. The teachers' sleeping rooms are provided with white enameled gas-pipe beds, tables, iron washstands, floor mats, foot baths, etc., and the washstands with pitchers, soap dishes, and slop jars. The teachers' beds are equipped as are the beds for the use of the pupils.

The pupils' dining room contains benches and tables to seat 400, and a complete equipment of tableware, cutlery, and linen. Plain white enameled ware has been provided. The teachers' dining room contains, in addition to the requisite equipment of cutlery, linen, and tableware, an extension table, chairs, refrigerator, sideboard, and trays.

The offices of the administration have been completely equipped with furniture and supplies, as have the class room and departments. A complete outfit of clothing for 400 children, including everything necessary for their comfort, and a sufficient complete supply of medical infirmary supplies, surgical instruments, disinfectants, etc., have been purchased and placed in the institution.

On January 12, 1900, I had the honor to recommend that the cab stand on Comtela street be removed to some other location, as it was found to be decidedly objectionable in front of the school. This recommendation was referred to the mayor of Habana, who had the cab stand in question removed to another locality. In the direction of the commanding general, a successful effort was made by the mayor of the city to have certain objectionable houses on the streets surrounding the institution removed, so that this section of Habana has materially benefited by the advent of this industrial school.

On April 24, 1900, I had the honor to recommend that, owing to the early discontinuance of the department, the residue of allotments made by the department commander for this school be transferred to the general superintendent of Cuban relief work for disbursement, as this official, under the existing regulations, was to disburse the \$3,000 allotted monthly by the division headquarters for the maintenance of the institution.

This sum amounted to \$9,790.11, which had been contracted for, but not yet paid. The above recommendation was approved April 24, 1900.

The following are the provisions of paragraph 3, Civil Orders, No. 15, office of the Governor of Habana, April 5, 1900:

"3. Pending the assumption by Maj. E. St. John Greble, superintendent charities and hospitals, Division of Cuba, of the general direction of the institution (the Habana Industrial School for Orphans) in behalf of the state, Mr. M. R. Suarez, general superintendent of Cuban relief work, will act in his place and make all necessary arrangements for the effective and orderly carrying out of the purposes of the school."

This order and the approval of the transfer of funds referred to above places the institution entirely in the hands of the general superintendent of Cuban relief work.

Very respectfully,

EDW. CARPENTER,
Second Lieutenant, Second Artillery,
Aid-de-Camp,
Supervisor Habana Industrial School for Orphans.

THE HABANA CARCEL.

The carcel and the presidio, in other words the city jail and the state prison, occupy jointly an extensive and prominent position near the city front at the foot of the Prado. The building is an imposing one, and is generally mistaken by strangers entering the harbor for the governor's palace.

The presidio occupies the entire north half, and the carcel a portion of the south half—that is, the ground floor and the entresol—the upper floor of the carcel portion being reserved by the state for courts and official residences.

There have been some rather strenuous animadversions published with regard to this institution and the hardships endured by the inmates, and it is proper that the facts in the case be recorded.

The condition of the building and the circumstances as to the prisoners confined in it were the object of attention and solicitude from the very beginning of my administration. It was found to be overcrowded with inmates of every degree, and its sanitary condition was deplorable. The first thing was to investigate the particulars as to the prisoners and, as far as practicable, effect a diminution of their numbers. The Spanish sentences were known to be severe, and the military sentences, which it did not seem necessary to respect excessively, were in many respects cruel and oppressive.

A board of officers was therefore convened in January, 1899, and an immense number of cases investigated. It was the duty of this board, after careful ascertainment of all the facts on record, to make specific recommendation in each case as to the remission or shortening or adherence to the sentences, and as rapidly as the board reported and recommended remission, the prisoners in question were ordered to be released. At the same time the entire staff of both institutions was reorganized, the food and treatment of the prisoners amended, medical attendance supplied, occupation furnished, and other conditions improved. Meanwhile a sanitary inspection was made, with recommendations and estimates as to the essential alterations in sewerage and the like.

The discharge of prisoners was stopped by order of the division commander in February, 1899, and thereafter my endeavors were more especially directed toward securing means and authority to reform the sanitary conditions.

There were two requisites for the purpose: First, the considerable sums needed for sewerage, plumbing, etc.; and second, the at least partial and temporary vacation of the building to enable the work to be done. To these ends estimates were submitted and funds requisitioned, and endeavor was made to have the state vacate the second floor, to permit the throng of prisoners to be taken care of there while work on the lower floor was in progress.

I was not able to realize either of these necessary conditions, and the accompanying correspondence explains why the work essential to complete sanitary reformation was not accomplished. While such was the case, however, insistence was made that in all practicable ways the health of the prisoners should be attended to, cleanliness enforced, and precautions taken against disease. It is a matter of congratulation that in essence these measures were effective, and that as stated in the

official report the data as to sickness and death in the cárcel show an average sick rate less and death rate no higher than obtained in the city at large, and that both rates showed a continuing decrease from the beginning of the year—conditions very creditable to the local management of the institutions in question, considering the difficulties under which they labored.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, Cuba, April 7, 1899.

The CHIEF OF STAFF, *Division of Cuba.*

SIR: The carcel, or city jail, is a populous building and the prisoners are insufficiently accommodated. Material modifications are needed for sanitation and other purposes; for example, the separation of the sexes and means for employment of the inmates on the premises. The building is the property of the city, but for some time past a considerable space has been used for state purposes and occupation under the direction of the audiencia. It is understood that this occupation is no longer desired and will therefore be terminated. I have to request that the entire building be turned over for municipal purposes, in which case it will be practicable to effect the objects above referred to.

Your obedient servant,

WILLIAM LUDLOW,
Major-General, U. S. V., Commanding Department of Habana.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, Cuba, April 8, 1899.

To the ADJUTANT-GENERAL DIVISION OF CUBA.

SIR: I have the honor to inclose herewith petitions from prisoners confined in the presidio and carcel of Habana, which have been acted upon by the board of officers convened under orders from these headquarters January 8, 1899, for the purpose of investigating the circumstances of confinement in each case, and on which the board have recommended clemency.

The indorsements in each case show the charge, present status, or sentence.

Your obedient servant,

WILLIAM LUDLOW,
Major-General, U. S. V., Commanding.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, Cuba, May 6, 1899.

The CHIEF OF STAFF, *Division of Cuba.*

SIR: In the progress of the sanitation of the numerous public buildings, it is essential that the presidio and carcel be thoroughly renovated, investigation disclosing a large amount of work as necessary for the proper sanitation of the premises. In this connection I invite attention to my letter of April 7, requesting, in behalf of the city, that such portion of the carcel premises as has been used by the state service be returned to the city government for the proper accommodation of the inmates. This is the more necessary that, as the prisoners can not be transferred to any other building, they must be rotated about while the sanitation work is in progress.

I should be glad to receive early advice with regard to this matter.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Commanding Department of Habana.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, Cuba, June 2, 1899.

The CHIEF OF STAFF, *Division of Cuba.*

SIR: In the matter of the sanitation of the cárcel, the public jail of Habana, I beg to submit the following:

First. I am informed, unofficially, that it is no longer intended to devote any portion of the cárcel proper to use by the supreme court or other judicial functionaries, in which case the question reverts as to the occupation of the upper floor as an essential portion of the prison accommodation.

Second. I ascertain, with regard to the ownership of the building, that it was originally begun as a municipal institution, including in this both the cárcel and the Presidio. With municipal funds the entire first floor of the combined building was constructed. Those funds being then exhausted, aid was given by the state and means furnished to complete the building by the construction of the upper floor.

The title, if such be in question, then is a matter of approximately equal division between the city and the state. The building is now divided, the north half being reserved as a state prison, the south half as a city prison, both only on one floor and the entresol.

The cárcel is now excessively crowded and in a deplorably unsanitary condition. The use of the upper floor, heretofore allotted for state purposes, is now unnecessary for these, and if placed at the disposition of the city, in accordance with an equitable division of the accommodations furnished by the building as a whole, it will be possible to remove the occupants from the lower floor to the upper while the former is undergoing the necessary renovation.

A sanitary report on the building has already been submitted, showing the absolute necessity for radical measures, and estimates have been submitted by the engineer department in the requisition for June, as representing approximately the sum that it will be necessary to expend.

I trust that the allotment may be made, as the condition of the building, its crowded population, the unsanitary conditions to which its occupants are subjected, and the impracticability of transferring them to another structure, make it important, to avoid the possibility of an epidemic, that the sanitation should be begun at the earliest practicable time.

I therefore recommend the allotment of the amount asked for in the engineer's estimates.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Commanding.

HEADQUARTERS DEPARTMENT OF HABANA,
July 11, 1899.

CHIEF OF STAFF, *Division of Cuba.*

SIR: I beg to say that I have given continued and careful consideration to the subject-matter of division letter of June 9, relative to the removal of the prisoners from the presidio and cárcel, and making such other arrangements for their security as the circumstances indicate as practicable.

As already personally explained to the division commander, the matter is one of considerable difficulty, since the vacation of the presidio-cárcel for other and more suitable purposes involves the abandonment of certain structures now fully occupied and the preparation of these and others for necessary requirements.

It would be undoubtedly advantageous to occupy the presidio-cárcel for higher purposes than the detention of convicts and other prisoners. It occupies the most prominent place in the city and harbor. It is the first building to attract attention and is invariably mistaken by strangers for the palace.

The removal of the presidio prisoners, numbering 600 to 800, can be accomplished by the setting aside and fitting out of Cabaña as the state penitentiary, and no very heavy expenses would be incurred in doing this.

The cárcel question is more difficult, inasmuch as it is a city institution, and daily communication with it should be provided both by the police and the magistrates, who, in fact, to a certain extent, hold court and try cases in the building. For this purpose I know of no structure so suitable as the old Spanish military hospital, which can be thoroughly disinfected and repaired and adapted to use as a place of confinement for the occupants of the cárcel in a portion of the town more suitable for this purpose.

This would leave the present building free for such alterations as would be necessary to adapt it to state and municipal purposes of higher order; but the most important work to be done in this direction is the entire reconstruction of the system of plumbing and drainage in the building. A suitable sewer connection exists, but in every other respect everything that is now in the building must come out and be replaced by suitable appliances. Allotments have already been made to cover a portion of this work, but it is impracticable to undertake it while the present crowded condition of the institution continues.

I have not yet been definitely advised as to the uses to be made in the immediate future of the upper floor of the cárcel, heretofore reserved for uses of the supreme court, audiencia, etc. If this could be vacated the lower floor of the cárcel could be cleared of its occupants and provision made for the serious beginning of sanitary work in the building. Meanwhile complete sanitation and other arrangements of the military hospital must be made, and these will involve the use of considerable sums of money.

For the transfer of the presidio prisoners the fortress at Cabaña must be vacated. It is now occupied by a battalion of the Second Artillery, for whom temporary provisions are making by cantonments now under construction east of the fortress. A



ENTRANCE TO PALACE.



SHEDS AT BATTERY NO. 5.



1054

Infirmary of Presidio

INFIRMARY OF PRESIDIO.



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soon as these are completed Cabafia could be vacated by the troops and preparations begun to adapt it to use as a penitentiary.

I shall be glad to further in any way the purposes of the division commander, and recite the points mentioned in order to bring the subject before him more clearly for consideration.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commanding Department.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, December 31, 1899.

ADJUTANT-GENERAL DIVISION OF CUBA.

SIR: Pursuant to instructions contained in division letter of December 22, I have the honor to forward herewith certain reports, as follows, viz: The names and locations of the prisons in the Department of Habana and the number of inmates in each institution, showing detailed particulars with reference to each individual.

In this connection attention is invited to the accompanying letter of the judge-advocate of the department, which recites the means originally taken by the department commander early in January to investigate the circumstances of the state and city prisoners and to make certain dispositions with regard to them as should be indicated by the facts and equities of the cases. Up to February 21, 152 prisoners had been released, when the division instructions were received directing that further proceedings of that nature be reserved for the action of the division commander.

A list is now being prepared of the hospitals and asylums which will indicate in each case its nature and function, whether military, civic, state, or private, with the number of persons cared for in each case, with moneys furnished by the department commander, and will be forwarded at an early date.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, Commanding Department.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, January 8, 1900.

CHIEF OF STAFF, *Division of Cuba.*

SIR: In the matter of the condition of the cárcel, particularly as relates to its sanitary condition and the care of the inmates, to which my attention is desired in division letter of December 29, I invite attention to the following particulars:

1. The condition of the cárcel and presidio—the former a city and the latter a state prison—was investigated early in January last year. The first endeavor was to effect a release of prisoners with reference to whom, for various reasons, this action could properly be taken. With this purpose a board of officers was convened to investigate the individual cases, and their recommendations were followed by orders for release or remission.

This action by me was stopped by the division telegram of February 21 and division letter of the same date, which forbade releases except by order of the division commander.

2. The sanitary condition of the cárcel and presidio was investigated and several times reported upon with recommendation and request that means and authority be given for thorough sanitation and renovation. See my letters of April 7, May 6, and June 2, of which copies are forwarded herewith.

No reply was received to the letter of April 7.

In response to that of May 6 the indorsements are as follows:

[First indorsement.]

HEADQUARTERS DIVISION OF CUBA,
Habana, May 10, 1899.

Respectfully returned to the commanding general Department of Habana. The letter of April 7 was referred to the secretary of agriculture, industry, commerce, and public works, and has not been received back. The division commander, however, decides that the portion of the cárcel occupied by the state will be continued in its service. The matter of the title to the building is believed to rest in the state—not in the city of Habana—and it will be necessary for the city to prove the ownership before the state will forego its own claim to the title.

By command of Major-General Brooke.

W. V. RICHARDS, *Adjutant-General.*

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF HABANA,
May 20, 1899.

Respectfully returned to the adjutant-general, Division of Cuba.

The question is not one of title to the cárcel, but of the uses to which it may be put and the requirements of the service.

The cárcel is now overcrowded with inmates and in such a deplorable condition as renders remedial measures imperative and without delay. The accompanying report from the chief sanitary officer, made at my instance, sufficiently explains the situation. The matter would have received attention sooner if other work had not been even more urgent.

So far as prospective state uses are concerned, there is no place in the city less suitable for the uses of the supreme court or as a residence for the president of the audiencia than the common jail of Habana, particularly in present conditions of overcrowding and lack of sanitation. The only officials who should occupy the jail are the warden and his officials charged with its administration and care of the inmates.

I trust the attention of the division commander may be given to this matter, in view of its importance and urgency. Unless the state uses of the jail can be foregone, the necessary work and service can not be properly done.

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Commanding.

Report of sanitary officer herewith.

[Third indorsement.]

HEADQUARTERS DIVISION OF CUBA,
Habana, May 24, 1899.

Respectfully returned to the commanding-general, Department of Habana.

It has been decided to put the supreme court in the part of the presidio cárcel designated. There is no doubt that the report of the chief sanitary officer is correct and his suggestions applicable. It is suggested that some other building—notably, the Castle Atares or Castle del Principe—could be used to keep some of the prisoners in temporarily, while the cárcel is being put in sanitary condition. There is no other place available for the supreme court except that decided upon.

By command of Major-General Brooke.

W. V. RICHARDS, Adjutant-General.

The suggestions as to the use of Atares or the Principe could not be followed, as neither was suited to the purpose or could be made suitable.

To my letter of June 2 no answer was received, and the matter had of necessity to rest practically without change of conditions. Early in November authority was given to convert the old Spanish military hospital, San Ambrosio, into a cárcel, but at least six months were needed to do the work, at an estimated cost of not less than \$120,000. This work is now in progress and expected to be completed by June 1, 1900.

3. Meanwhile, and failing authorization and means to put the cárcel in sanitary condition, every endeavor was made to protect the health of the inmates by close attention to cleanliness and cognate matters of practical administration, and the results are very creditable to the management, considering the condition of the building and the overcrowding of the inmates, due to the retention of the upper floor by the state, and the unnecessary detentions.

These results are shown in the accompanying schedule, derived from the cárcel records, and showing by months the average number of inmates, the number sick, the number dead, the sick rate per hundred, and the death rate per thousand per annum.

It will be observed that with an average number of prisoners of 552, the average sick rate is but 5 per cent, and the total death rate about 36 per thousand, which compares favorably with the total death rate of the city at large for the year of about 35 per thousand. In the case both of the city and of the cárcel the records show the rapid diminution of the statistics of sickness and mortality toward the end of the year, due to insistent cleanliness and attention.

It may be observed that in matters of this kind statistics alone can be relied upon to furnish a valid basis for deductions, as the public sympathies are often unduly exercised in behalf of people whose condition, moral and penal, naturally claims consideration in comparison with those who are free to enjoy their liberty and have the privilege—not always properly appreciated—of earning their own living.

There is always the danger that superfluous physical comforts may be given to

persons undergoing punishment and that prisons may be converted from punitive establishments into comfortable lodgings for those indisposed to support themselves, thus tending toward the encouragement, rather than the repression, of offenses against the public interest.

In my judgment, long terms of imprisonment, in comparative idleness and comfort, should be replaced by short terms with as little luxury and as nearly incessant labor and self-supporting occupation as the physical condition of the individual will permit, due attention always being given to proper sanitation, feeding, clothing, and medical service.

In the present case, the radical defect of the cárcel sanitation is in the sewer system of the building, and it is not believed that until this can be thoroughly overhauled, the introduction of modern water-closets, etc., will remove the deep-seated difficulty of defective underground drainage.

The case of the presidio is practically the same, though the construction and arrangements are much better than in the cárcel, and the entire building is devoted to presidio purposes.

The cárcel can probably be transferred to San Ambrosio in June and the presidio to Calaña at a late date.

Meanwhile, whatever may be the future uses of the building, the drainage and sewer system require radical reconstruction, and it would seem expedient that as soon as practicable a sufficient sum be set aside for this purpose.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Military Governor of Habana.

Four inclosures as follows: No. 1. Letter to division of April 7; No. 2. Letter to division of May 6; No. 3. Letter to division of June 2; No. 4. Sick and death statistics of the cárcel, 1899.

Sick and death statistics of the cárcel for the year 1899.

CÁRCEL DE LA HABANA.

	Average number of prisoners confined.	Number of sick.	Sick rate, per cent.	Number of deaths.	Death rate, per 1,000.
January.....	641	28	4.4	2	37.4
February.....	620	48	8	2	38.6
March.....	583	46	8	6	123
April.....	588	41	7.5	5	102
May.....	543	50	9.2	1	22
June.....	477	33	6.9	0	0
July.....	458	30	6.5	2	52.8
August.....	469	27	5.8	0	0
September.....	499	12	2.4	1	24
October.....	537	7	1.3	0	0
November.....	598	3	.5	0	0
December.....	614	1	.2	1	19.5
Total.....				20	
Average.....	552	27.4	5		36

During the year 1899 the total number of deaths in the city of Habana was 8,156, making an average death rate of perhaps 35 per thousand, ranging from 67 per thousand in January, 1899, down to about 27 per thousand in December, 1899.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, January 26, 1900.

The CHIEF OF STAFF, *Division of Cuba.*

SIR: In the matter of further sanitary measures to be taken at the cárcel, pending provision for thorough reconstruction of drains and the ultimate removal of the inmates to the Spanish military hospital, I inclose memorandum of detailed instructions made, which has been transmitted to the mayor for communication to the warden of the cárcel, with request that explicit instructions be made that the requirements be rigidly observed.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. A., Governor of Habana.

MEMORANDUM COVERING CARE OF PRESENT CÁRCEL.

All existing closets at the cárcel should be thoroughly flushed with a hose hourly throughout the day, a liberal application of electrozone to be made after each flushing. The same treatment should be given all drain and sewer openings in the patio. A percolating wooden tank, to be placed at the intersection of the house drains with the main sewer of the building, has been ordered made and will be placed promptly and kept filled with electrozone.

A thorough cleaning should be given all storerooms, and a considerable amount of old material, wood, etc., should be removed and destroyed.

All pots, kettles, etc., of the kitchen should be scoured, the ashes from the ranges and all kitchen refuse, plate scrapings, etc., to be deposited in closed garbage cans. All floors, stone and wood, should be scoured twice weekly and thoroughly drenched with electrozone.

The blankets or other bedding of all occupants should at once be thoroughly cleaned, and the bedding of each prisoner should be cleaned at the time of his admission. Care should be observed with respect to the continued cleanliness of all bedding.

The emptying of refuse into the drain or sewer openings should be stopped at once. The amount of water admitted to the large tank in patio, which is now used as a bath, should be restricted to a depth of 15 inches, care to be observed as to the cleanliness and freshness of the water in this tank.

Respectfully submitted.

P. D. CUNNINGHAM,
Acting Chief Engineer.

JANUARY 25, 1900.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, March 22, 1900.

CHIEF OF STAFF, *Division of Cuba.*

SIR: It seems expedient that more definite arrangements be made with reference to the making of inspections and giving of orders at the Habana cárcel.

Division Order No. 29, of January 19, directs that department commanders, through their subordinates, are charged with the inspection, at least monthly, of all prisons.

Division Order No. 28, of January 18, appoints Carlos Garcia Velez as general inspector of prisons. Division Order No. 85, of February 22, charges the alcaldes with the administration of the prisons and the enforcement, through the prison officials, of the laws and regulations; this, however, as stated in paragraph 2 of the order, to be "without prejudice to the powers vested in the civil governors in connection with this service." The duties of the civil governors in this respect are not otherwise stated or referred to in the existing orders.

In the case of the Habana cárcel it appears that all of these authorities are making inspections and giving orders. As representing the department commander, Major Pitcher, designated as supervisor of police and having immediate supervision of police matters, inspects the Cárcel and communicates with the warden in reference to matters requiring attention. Carlos Garcia Velez likewise inspects and gives orders. The municipality, through the alcalde and his immediate representative, in the person of the council's inspector, also inspects and gives orders. It is presumed that the civil governor, at present represented by his secretary, is also prepared to do the same thing.

Recently these several authorities have given conflicting orders to the warden, and in two cases, viz, the council's inspector and the state inspector, Garcia, instructed the warden to follow his order and not those of anybody else.

The latest order on the subject, in my judgment, should control, viz, that of February 22, which vests the administration and enforcement of regulations in the alcaldes, subject to the instruction of the secretary of state. The alcalde is the chief executive of the city and the ex officio head of all the city services, and I recommend that the state inspector of cárceles should limit himself to carrying out the prescriptions of Order 28, January 18, making recommendations to higher authority and refraining from interfering with the interior administration of the institution other than as an inspector authorized to investigate and report to the division commander. It is also recommended that the supervisory authority of the department commander, or whatever may be his legitimate successor, be recognized in the person of his military subordinate designated to supervise these institutions.

Your obedient servant,

WILLIAM LUDLOW, *Governor of Habana.*

OFFICE OF THE GOVERNOR OF HABANA,
Havana, April 12, 1900.

CHIEF OF STAFF, *Division of Cuba.*

SIR: An important question and one involving considerable embarrassment relates to the disposition to be made with reference to the cárcel and the San José correctional asylum.

Without restating the full history of the matter it may be stated in brief that for a long time past endeavors have been made on the part of the department authorities to secure means for reconstructing the sewerage and drainage and improving the sanitary condition of the cárcel and presidio.

With this end in view it had been heretofore proposed in concert with the division authority to convert the San Ambrosio Military Hospital into a building which should be altered to serve as cárcel, San José asilo, and the female prison, known as the recogidas. At the same time provision was made for the beginning of the conversion of the Cabaña Fortress into a presidio; this with a view of emptying the present presidio and cárcel, and subsequently converting it into other uses to which it should be better adapted by reason of its prominent location and other circumstances.

The conversion of the San Ambrosio hospital has been stopped by order of the division commander beyond the point where the underdrainage could be provided for, and the proposition of using the building as a cárcel, etc., has been discontinued.

This leaves matters practically where they were— the presidio in a tolerably satisfactory condition except as to underdrainage; the cárcel adjoining in very bad condition, although the means taken to preserve health are such as to reduce the sick and death rate below those of the city generally.

The San José asilo, in consequence of the very bad condition of the building occupied, was provisionally transferred to the Reina Battery, but this was intended as a temporary occupation merely, and important additions and expenditures will be necessary if it be retained for this purpose, which in other respects is not desirable.

What is now required to be done, therefore, is to provide permanent accommodations for the San José asilo, and to make extensive and urgent constructions in the interior of the cárcel, which must be carried on while the buildings are still in occupation.

With this object in view I make the following recommendations: That provisionally with the reduced numbers now held as prisoners, the occupants of the cárcel could in great part be transferred temporarily to the presidio, leaving the building nearly clear for a thorough overhauling and renovation, and that the requisite sum be allotted from the customs revenues for this purpose; that a new location be sought and selected for the San José asilo as a permanency, and such expenditures be made in connection therewith as shall properly adapt it to that purpose.

I submit these facts prior to my departure because the number of needs pressing upon the division headquarters for attention might otherwise cause them to be overlooked.

I may say that I have examined with a good deal of interest and care the reports made with reference to the San Ambrosio hospital upon which the adverse decision of the division commander was made as to its proposed use as cárcel, San José asilo, and recogidas.

Having considered all the points in the matter of construction, drainage, light, ventilation, salubrity, etc., I am fully persuaded that the original purpose could be safely and advantageously pursued, and that the adverse recommendations made by the medical officers, which seem to be largely based upon the opinions of Gen. Carlos Garcia, are in error as to the danger or disadvantage of so using this particular property. The particular objection seems to be the alleged unhealthfulness of the locality, but as a matter of fact the statistics show that this is not the case, and that the streets in the vicinity of the hospital have been almost entirely free from cases of yellow fever during the past year. The number of cases stated by the board in its report includes several occurring on vessels tied to the wharf, but it is notorious that the crews of such vessels do not restrict themselves to the immediate vicinity of the water front, but resort to a low class of houses where experience has shown the majority of the yellow-fever cases originate.

In Colonel Black's review of the adverse reports made will be found very valuable corrective statements, to which, in my judgment, importance should be attached, as coming from one having thorough cognizance of all the facts in the case.

If, however, the original purpose with regard to the hospital can not be carried out, it is important at least that due provision be made for the renovation and sanitation of the cárcel and the procurement of a building for the San José asilo.

Your obedient servant,

WILLIAM LUDLOW, *Governor of Habana.*

THE SUPPRESSION OF "EL RECONCENTRADO."

Civil Order No. 14, of August 1, 1899, was printed in the last annual report, but the attendant facts were not stated or referred to in the text as occurring later than the date of the report.

The order was as follows:

CIVIL ORDER }
No. 14. }

OFFICE OF THE GOVERNOR OF HABANA,
Habana, August 1, 1899.

Whereas the publication known as the *Reconcentrado* is an obscene sheet, daily uttering by assertion and innuendo vile personalities directed against both the established authorities of the city and the best people of Habana; and

Whereas the continuance of such a publication is a disgrace to the city and to the Cuban people, and opposed alike to public and private interests and morality: It is therefore

Ordered, That the publication be suppressed, its directors and writers be arrested, and that its issue be no longer permitted. To this end, the police authorities will take possession of the premises and presses, and adopt such means as may be needful to prevent any publications of the nature in question.

This order will be construed as applying not only to the *Reconcentrado*, but to any other publication under whatsoever designation that shall attempt to issue obscenities and slanders against public and private persons within the jurisdiction of the Department of Habana. In case any such should appear the facts will be immediately reported to these headquarters through the mayor of the city.

By command of the governor:

H. L. SCOTT, *Adjutant-General*.

As the occurrence was an unusual one, and was subsequently reported upon officially, it will be of interest as part of the history of the American administration in Cuba, and illustrative of certain social conditions existing in the island, to make record of the essential facts in the matter.

The particulars are given in my report of August 30, 1899, to which are appended the paper signed by Ricardo Arnauto and Agustin Cervantes, the principal editors of the paper, for the purpose of avoiding punishment, the certificate of their counsel, Mr. de Armas, that the signing and submission to the mayor was a voluntary act on their part, and an editorial from *La Patria* of August 3 (a pro-Cuban newspaper) declaring the unanimous approval of the suppression.

The two editors, upon being released, promptly fled to the United States to escape the personal resentments they had incurred, and from a Washington hotel besieged the War Department with demands for justice, which, from their standpoint, meant a revocation of the order of suppression and full restoration of their rights of continued publication. It is proper to state that after full inquiry their demands were denied by the War Department in the following decision of date September 4, 1899:

The *Reconcentrado* appears to have been a vile publication. Its suppression raises no question of the liberty of the press. Every government is bound to protect the community against public indecency in this as well as in other forms. It is to be regretted that the persons responsible for the publication can not be criminally punished.

The order of General Ludlow is approved and the petition denied.

It remains only to record the fact that some months later the persons in question, with their numerous congeners—gamblers, convicted criminals, and blackmailers—swarmed back to Habana and distributed their journalistic labors through several of the existing publications,

such as the *Lucha*, the *Cubano*, and the *Nacion*, and some of them are now openly claimants or aspirants to appointment or election to insular or local salaried offices. Their activities are destructive to order and public morality, and their success would effect the total demoralization of the police, whose duty it has been to keep them in suppression.

REPORT OF THE FACTS AS TO THE SUPPRESSION OF THE RECONCENTRADO.

HEADQUARTERS DEPARTMENT OF HABANA,

August 30, 1899.

The Reconcentrado was not suppressed for any publication of fact or opinion, either with reference to public persons, public questions, or public policy, and the action taken had nothing whatever to do with the so-called "freedom of the press."

My order on the subject was issued under date of August 1, 1899, as Civil Order No. 14, a copy of which is appended. The reasons for the suppression of the Reconcentrado are stated in the order itself, in the first two paragraphs, and the facts in the case are as follows:

The Reconcentrado since its appearance has been engaged in personal abuse and defamation both of officials and private persons of the highest standing and consideration in the city of Habana, assuming increased license in view of the impunity with which its utterances were tolerated, and daily growing more and more disgusting and obscene in its comments and allusions. In addition to this fact, its editors, conjoined with others, were engaged in a general chantage or blackmailing industry by means of which they took toll of every accessible person, high or low, who would submit to their demands for money. Their operations were characterized by an astonishing insolence and contempt for the public upon which they practiced. For example, a barber or other tradesman would receive a communication from the editor of the Reconcentrado stating that his advertisement would be published in the paper for a certain term for a certain sum of money, which it was requested should be sent by the bearer of the communication. The man had no desire or intention to advertise in the paper, but would comply with the demand in terror of finding himself persecuted in its columns. Again, a private gentleman, engaged in attending to his own affairs, having no relation to official matters, would be shown a printed slip containing vile allusions to or intimating in a manner more or less indirect accusations of misconduct on the part of some member of his family, possibly a near female relative. The Reconcentrado would state that it intended to print this, but would refrain from doing so if adequate consideration were paid, the sum mentioned varying according to circumstances from a comparatively small amount to what might be a large one—so much, perhaps, as 500 centenes or more. So, also, of social clubs, who paid toll rather than have a false public denouncement made of gambling and a clamor for public suppression. Again in the case of officials, application would be made to them for certain appointments for the editors of the Reconcentrado or their relatives or friends, with the intimation that if denied they would be visited with resentment and publication. Upon refusal, these officials were thereupon, and thereafter in increasing measure, made the subject of disgusting comment and the grossest obscenity both direct and indirect, the language usually being so chosen as to use words of a double meaning, while the suggestions and inferences were of the foulest nature, well understood in the native community, but almost untranslatable into any other language.

In other cases forged letters from officials were printed with their names and designations appended, the context being such as to degrade the writers, supposing the communications genuine.

Abundant evidence of all these statements can be furnished should anything more be required than the evidence of the paper itself.

These particulars, both as to personal defamation and the levying of blackmail upon individuals and clubs, were well known to everybody and ignored by me for the time being with two objects in view: First, to see how long the Habana public, as such, would endure being outraged in this highhanded manner and by means repugnant to every sentiment of decency. The second consideration was that several police officials were mixed up with the blackmailing practice of the Reconcentrado, and I sought means of getting evidence of criminality of these, in connection with the receipt of money for what is known as "protection" by the police for gambling houses and immoral resorts. I had finally to forego this purpose, finding it impracticable, while getting plenty of information, to get a man who was willing to subscribe to his statements in writing or to testify to the facts in court; this on the ground either that the victim would find himself worse off than before, or would be dreading a knife in his back.

Meanwhile, the editors of the *Reconcentrado* had passed outside the pale of journalism or press privilege and gotten fully within the jurisdiction of the police as utterers of obscene literature, public defamers, forgers, and blackmailers, and the deciding consideration with regard to this publication was the vile innuendoes by which even ladies of the highest consideration were referred to by name and by covert allusions. This could not be tolerated when brought to my notice, and when these filthy degenerates went so far as to intimate that an inspector of the sección de higiene, a branch of the local administration which has charge of the service of prostitution, attended a meeting of the best people in Habana for the purpose of ascertaining if he could not impose a fine for immoral conduct, the order for the suppression of the paper and the arrest of the responsible parties was issued.

The responsible editors, who had notice in some way, took to hiding, and, in dread of what might be in store for them, sent counsel to confer with me as to what could be done in their behalf. Their counsel made two propositions: First, that they would agree to leave the island and not to return; and second, that they would admit their offenses, promise to reform, and voluntarily pledge themselves to publish nothing more of any kind, on condition that they be relieved from their apprehension of punishment. They wished to submit this paper to me, but I declined to have anything to do with it, stating that the garbage was too rotten for me to handle and that they must settle the affair with the local authorities. I told their counsel they could prepare such a paper as that and submit it to the mayor, and, if satisfactory in its terms and acceptable to him, I should not myself take further measures with regard to it, leaving them entirely at the disposition of the local authorities. They submitted their paper to the mayor, a copy of which is herewith, in which the signers admit themselves to be criminals and fugitives from justice, and obligate themselves, as stated, to place themselves at the disposition of the authorities, praying for an opportunity to reform and that meanwhile the order of arrest and proceedings against them be suspended so long as they complied with their voluntary obligations. This assurance was accepted by the mayor and they were released, presently taking occasion to leave the island, where their further hope of illicit maintenance was destroyed, the blackmailing game having been broken up by the action taken and the further proceedings hopelessly blocked.

The voluntary nature of the obligation is established both by the paper itself and the accompanying letter of Mr. De Armas.

These disgraces to civilization now have the impudence to trouble the Washington authorities with their filthy mess and to address themselves to the Secretary of War in their letter of August 12, which has been referred to me and which is herewith returned. There is barely a word of truth in what they say, and it is unnecessary to recite the falsehoods and impudent assertions of which the letter is composed. Should they return here they would undoubtedly be in danger of their lives for the offenses against individuals of which they have been guilty, as the Habana public has been relieved of the terror from which it suffered and which kept it inactive under a condition of things that would not last twenty-four hours in the United States.

The men in question have an evil record, criminal and otherwise, and are destitute of any standing whatever. The paper which they signed establishes their status, and the copies of the *Reconcentrado* which are transmitted herewith with translations sufficiently show the nature of their publication.

Action was taken summarily instead of by recourse to the courts, for three reasons: First, that the laws with respect to matters of this kind are so defective, both in the methods of procedure and the system of applying penalties, as to leave little ground for expectation that the responsible criminals could be punished; second, that the local courts of Habana, which have been left over undisturbed from the Spanish régime, are notoriously of such character that, as experience has shown, convictions can be secured with the utmost difficulty whenever the persons most concerned have means to engage the sympathy or consideration of the court or of its immediate surroundings; third, and most important, a trial of the case in the courts would have involved the examination and discussion of all the indecencies and obscenities that were printed with reference to individuals, ladies and gentlemen, and officials, whose names were freely used, and this process would have been inexpressibly painful to all the decent people concerned and gratifying to the editors in proportion to the measure of exploitation and advertisement they would secure. Meanwhile, pending the proceedings, the paper would have continued publishing its scandalous matter with renewed venom against those taking action against them.

The summary action, therefore, was employed in virtue of my authority, given in the President's order, as the military governor of Habana, responsible for its general government and administration in this as in all other respects, financial, sanitary, and police.

The paper was suppressed by the police power, and the action has received the universal assent and commendation of the entire Habana population, as well as of the highest officials, who were equally gratified by the act and the way in which it was done, and, furthermore, indorsed by practically the entire press of Habana, even those who are most scrupulous with regard to the great question of the "freedom of the press." The case was distinctly recognized as one wholly outside of press privilege or journalism and had no more to do with the freedom of the press than an arrest for obscene offenses in the street would be the restriction of the liberty of the citizen. The single exception, to my knowledge, among the publications in Habana is the copy of the *Independiente* which is inclosed with the official communication, and as this paper is edited by decent people the articles referred to in it can only be accounted for by the fact that their authors had not examined the issues of the *Reconcentrado* or seen the infamies which were daily published in it. In every other case the accompanying articles show the general commendation. Even the *Patria*, a paper devoted to the furtherance of what it regards as the independence and liberty of the Cubans, assents fully in this particular case, regretting only that the deficiencies of the law required the intervention of the military authority, for the reason that a similar authority might in a future case be employed without justification, as was done under the Spanish authorities.

The general fact remains that in this community and under the boathouse process of Spanish methods a class of characterless degenerates has developed in Habana, and possibly elsewhere in the island, whose morals are thoroughly corrupt, in whom every trace of honesty or decency is lacking, and who, while nominally holding certain positions before the public, are really of the lowest order of human nature, and will require suppression until their final disposition is effected if there is to be a régime of decency or morality in Cuban affairs.

As will be evident from an examination of the translations, the matter is too vile for publication, and when put into Anglo-Saxon is beyond possibility of publicity, for which reason I request that the papers be not passed through the ordinary channels, but simply transmitted without general examination by employees or newspaper reporters.

Your obedient servant,

WILLIAM LUDLOW,
Governor of Habana.

HABANA, August 1, 1899.

TO THE MAYOR OF HABANA.

SIR: In order that we may rid ourselves of the stigma that rests upon us as criminals and fugitives from justice, the undersigned offer to bind themselves to observe the following and below-mentioned obligations, placing ourselves at the disposition of the authorities:

1. Not to publish newspapers of any kind.
2. Not to insult any authority nor the chief of police of Habana.
3. Not to disturb the public order in any respect.
4. Not to publish the private life of anyone.
5. To live quietly and honestly as good citizens.

We hope that you will give us this opportunity to reform, and suspend the order of arrest against us as long as we do not break this contract.

RICARDO ARNAUTO.
AGUSTIN CERVANTES.

SANTA CLARA, CUBA, August 26, 1899.

Gen. WILLIAM LUDLOW, *Governor of Habana.*

DEAR SIR: Replying to your note of August 24, I state that Arnauto and Cervantes voluntarily signed the paper in which they asked to be released of the stigma on them by the publication of *El Reconcentrado*. I advised them to sign that paper in order to obtain from you a chance for reform, and then you referred the whole affair to the mayor of the city, who accepted to pardon them in view of their petition. They did sign the paper before the mayor and several other persons, among whom I remember was Mr. Felix Yznaga.

Respectfully, yours,

JOSÉ DE ARMAS.

A SERIOUS INCIDENT.

[From *La Patria*, August 3.]

The order of the military governor of Habana suppressing the journal *El Reconcentrado* and ordering the arrest of its editors has been much commented upon in the city and will receive notice throughout the island.

Opinion is at once unanimous in approving that such a sheet should be made to disappear, that voluntarily put itself outside all social conventions.

But there are many, among them ourselves, who regret profoundly that it should have happened that the intervening Government should have had to proceed by the military authority.

The case presents grave aspects, but for to-day we limit ourselves to saying that the law should in such manner extend its protection over the persons and repute of our citizens that its deficiencies should not strengthen the arm of the executive power, and on the other hand it is also needful that society should begin to cure itself of that morbid inquisitiveness that is the ultimate source of the evils such as those we deplore.

STRIKES.

One of the most serious obstacles in the due ordering of municipal government and the rehabilitation of the industries, occupations, and commercial welfare of the city was found in the endeavors, made almost from the outset and renewed from time to time, to import and naturalize the system of labor strikes that in other and more settled portions of the world have constituted so dramatic and potential, and at times so destructive and disastrous, a feature of industrial development. In the disordered conditions existing in Habana—the bankrupt city treasury, the prostration of business and industry, the timidity of capital, the depression of values, and the failure of crops, together with the chaotic social conditions, the immense number of paupers, and the grave uncertainties as to the future—it was surely an unfortunate, as well as a stupid and unpatriotic, endeavor to foment labor strikes and to substitute idleness for industry and oratory for occupation.

Particularly should such projects have been avoided when the responsible Government was a powerful alien, solemnly pledged to the maintenance of peace and order and the protection of life and property. In a community in such conditions and so ordered, when the actual feeding of a surplus and helpless population was a task of difficulty, and it was essential to reestablish normal industrial occupations at the earliest possible day, it is evident that the “walking delegate” was a dangerous intruder, inciting to disorder and unrest, among an impressionable population lacking experience and judgment and wholly unversed in political and economic matters.

Strikes in Habana could not be “struggles between capital and labor,” since capital was in hiding and employers were themselves no other than workingmen, seeking to maintain their families and furnish wages to others, and the only capitalist was, in effect, the American Government, then in large part supporting the starving multitudes and seeking to furnish occupation for them and for all who could work.

After several minor and partial strikes had been adjusted by patience and firmness and appeals to the interests of the men themselves, matters finally culminated in September in what threatened to be the grave peril of a general strike, under the guidance of certain professional agitators, American and other, which, if permitted to come to a head, would have involved serious consequences.

The issue was promptly and effectively met. The Spanish consul was urged to control those bodies of workingmen who were of his nationality; certain agitators against whom criminal charges lay were advised that they must control the organizations they represented;

details of prisoners from the cárcel and presidio were sent to the gas and electric works to take the place of the laborers there and keep the lights going; rural guards were drawn in and strengthened in the vicinity of the waterworks and in the populous suburbs; and the entire police force was put on duty.

A dozen of the labor leaders, selecting those who had publicly committed themselves to incendiary proclamations and speeches, were then arrested and brought to headquarters. They were informed that the strike would not be permitted and that they would be held responsible for its abandonment; that all men found idle in the street without visible occupation or means of support would be held as vagrants; that there were accommodations, such as they were, in the cárcel and presidio for a thousand or two arrests, and in the Morro and Cabaña casemates for as many more; that they would be released and escape punishment if they acted in good faith and stopped all agitation for a strike; and that otherwise the full power of the government would be used to control the situation in every sense. They agreed to do this and were let go upon signing letters to the mayor to that effect. The next day I published a proclamation to the people stating the situation in general terms, and the affair was settled definitely. The particulars are given in the official report to the division commander of October 4, and the other papers hereto appended.

OFFICE OF THE GOVERNOR OF HABANA, *September 26, 1899.*

TO THE PEOPLE OF HABANA:

At the present juncture, when certain irresponsible and seditious individuals are seeking to destroy the peace and industries of the city and to mislead the workingmen of Habana into a general conspiracy to paralyze the life and movement of the community, it behooves me, in the interests of all concerned and as the immediate representative of the American Government, to publish a word of warning.

The United States of America are pledged to the establishment in the island of Cuba of a stable and orderly government, and this pledge, made alike to the Cubans and to the world, will surely be fulfilled. To this end every endeavor will be made to inculcate in the island the principles of self-government, the foundation for which, and for that true and self-respecting liberty that modern civilization demands, is an enduring respect for law and for the rights and liberties of others.

The workingmen of Habana are being tempted toward a fatal step that, if taken, will set back the exercise of liberty and the enjoyment of the rights of men for an indefinite period.

They are being urged to a general strike—to a total suspension of the accustomed occupations and labors which are essential to the common welfare and upon which depend even the very lives of the people.

The reason assigned is a demand for a working day of eight hours. In fact, no such demand has been made. No body of employers has been asked to shorten the day to eight hours; no petition has been submitted to the ayuntamiento; no communication has been made to the American authorities.

At the instance of a few self-seeking demagogues, backed by a more numerous element that prefers idleness to labor and excitement of any kind to the calmer life of thrift and the protection of the family, the workingmen of Habana are urged to forego all labor, to extinguish the lights that protect property and discourage crime, to close the bakeries and shops that furnish food, and, doubtless, if they could, even to cut off the water supply of the city. Meanwhile all trades and occupations are to be abandoned, industry is to perish, food to fail.

Upon whom is this punishment to fall? Who are to be at once and fatally the victims of this iniquitous conspiracy? Who else but the poor and destitute, the ill and ailing, the children and the mothers, the weak and helpless, the ignorant and destitute, who in thousands exist in Habana and whose daily sustenance is essential to their lives?

Should the strike be made, within forty-eight hours there will be cries of hunger and wails of distress from multitudes whose sole fault is that they are wives and children of men who have been deceived into sacrificing them without thought or reason.

It is known to the authorities that but a small proportion of workmen is in sympathy with the movement and that a large majority is coerced into assent.

And let there be no misunderstanding as to the outcome. Order will be maintained and violence and tumult crushed. When so much is at stake there will be no hesitation in applying such remedial and correctional measures as may be necessary to preserve the peace and safety of this city.

No man can be compelled to work against his will; but if he can and will not, he is but a vagrant, a burden and worse upon the community, and must take the responsibility for his own acts and for the needless and innumerable sufferings he thereby imposes upon his home and kindred, as well as upon the public at large.

But a weightier responsibility will rest upon those who, heedless of the consequences and with intelligence to foresee them, seek to betray the workmen to their enduring disadvantage.

These are treacherous and seditious persons plotting both in secret and openly against the peace of the city and the lawful rights of citizens to earn their livelihood and to enjoy with their families the fruits of their labors. They are public enemies, flying the red flag of anarchy, violating the laws, and invading the rights of others. To these will be dealt a punishment adequate to their offending, and they will find their own lives as grievous a burden as that which they are seeking to impose upon the workers and citizens whom they are deluding.

There is but one proper course for the workmen to pursue in this matter. It is the authorities only who can establish what shall be a lawful day's work and lawful hours of labor for the several industries of the city. Let the labor and trade associations meet and carefully consider what should be their reasonable and proper petitions, and let each submit its case to the ayuntamiento for mature deliberation and equitable adjustment. It may well be that fully worked out it will appear that the present hours of labor are in some cases excessive, in others reasonable, but in any case the orderly and rational process is to represent the matter in each case fully to the authorities and procure by lawful and proper methods the enactment of proper regulations.

The true freeman is he who respects the rights of others, as he requires that others shall respect his, who puts the welfare of the community above his personal preferences, and the rule of law and order above noisy haranguing and turbulent demonstrations; and such a man is entitled to and will receive the security and protection in the exercise of his industry and personal rights that the fullest power of the government can give him.

WILLIAM LUDLOW,
Military Governor of Habana.

OFFICE OF THE MILITARY GOVERNOR OF HABANA,
October 4, 1899.

CHIEF OF STAFF, *Division of Cuba:*

SIR: The recently threatened general strike of workmen in the city of Habana, if allowed to mature, would have produced a practical paralysis of the life of the community and a condition of anarchy which, in the peculiar circumstances governing conditions in Habana, would have been found extremely difficult of subsequent regulation. I therefore deem it expedient to make report of the facts and particulars for official record, both as a matter of current history and as illustrative of certain special aspects of it affecting local administration. There have been for several months past indications that what is generally understood in the United States as "labor movements," have been industriously furthered under what seemed to be expert guidance from abroad, and the workmen were busily perfecting the organization of their "gremios," or associations of the several labor elements, including all classes of workers, whether laborers, mechanics, tradespeople, or others. From time to time strikes of greater or less magnitude have occurred, now among laborers for increase of wages, then among railway employees, then with the operatives of tramways, then the stevedores, then a strike of the coach drivers, then the cart drivers, all of which were, as they successively appeared, quietly dealt with and adjusted, though at times at the expense of considerable inconvenience and loss to the public. More recently strikes have occurred in order to compel the dismissal of a foreman or the restoration of one who had been dismissed, and this even among employees on public works.

Contemporaneously with these developments, which indicated the readiness with which the Cuban workmen were accustoming themselves to the idea of coercing the public as a means of securing advantages for themselves, political organizations were forming under the head of "leagues" and the like, and it was found that in many cases the political and strike leaders were the same individuals, although the facts were not necessarily made public. These political organizations were apparently

stimulated by the measures proposed to secure a census with the subsequent prospect of the creation of an exclusively native government in the island.

During the last six weeks the masons, who had demanded a large increase in their wages, have remained out, and endeavor was made to induce the other organizations to join in the strike for the purpose of securing compliance with their demands. In consequence it presently developed that under the guidance of certain appointed representatives or temporary presidents, provision was making for a general strike of all the laboring classes, including those most essential not only to the industries of Habana, but to the feeding of its population. It included also the employees of the gas and electric works, whose refusal to continue service would have reduced the city to darkness.

The local authorities made earnest endeavor to control these movements, meeting with partial success and developing the fact that the movement was due to a comparatively small minority of the total number of persons represented in the laboring organizations, who, however, were persuaded or intimidated into consenting to the strike and adding the weight of numbers and unanimity to its formidable character.

The published matter on this subject when it appeared commanded immediate attention. Translations of two of the proclamations on this subject accompany this report. It will be observed that they are couched in the familiar language of strikers, who, closing their eyes to all other considerations than the attainment of their ends, threatened disaster to the city unless their demands were complied with, and these demands finally resolved themselves into a requirement that the working day should consist of eight hours and no more. This, irrespective of the nature of the occupation or other contingent circumstances.

The phraseology of these proclamations—"eight hours or death"—with allusions to the "red flag of labor" and the "seven Chicago martyrs," and the like, left no question as to the real nature of the movement, and for the security of the city it was essential to take immediate action, as the outbreak was to occur within twenty-four hours.

I therefore issued an address to the people of Habana, advising them of the actual facts of the situation, with words of warning as impressive as the circumstances seemed to require, and the information that means would be taken to protect the security of the city administration and the interests of its people. At the same time those leaders who by their signatures attached to incendiary proclamations and the speeches made by them of a similar character at their mass meeting, had made it evident that they were in great measure responsible for the misleading of the majority of the workingmen, were taken in charge until it should be seen whether or not the appeal to the better judgment of the workingmen would suffice to accomplish the object of dissolving the menacing situation. This proved to be the case, and it is only proper to say that the action taken was one that, in the first place avoided all public conflict, did not humiliate or distress the working population themselves, and was cordially approved by every newspaper in the city of Habana, I believe, without exception, whatever their political antecedents or affiliations. The city was relieved of a serious peril, and it is not probable that any further endeavor of this kind will be made.

It is interesting to note that the immediate result of this dissipation of the strike was met with denunciation by a labor organization in Chicago, showing how close was the connection between the two localities.

It is somewhat difficult to realize the recklessness with which labor agitators will seek to transfer their own methods and purposes to a foreign locality where the conditions are utterly different and where the danger is enormous of producing complications which would react in a most distressing manner upon the people. In the United States eight hours is a legal day, but eight hours in the United States means eight hours of a measure of labor and exertion utterly unknown in the island of Cuba, where from racial attributes, habits and conditions of climate, temperature, etc., there is not as much work done in twelve hours as in the United States in six, and where eight hours of labor would amount to no more than four in the United States. Furthermore, we are dealing here in Cuba with a relatively uneducated population, whose sensibilities are easily aroused but who lack judgment, who are wholly unaccustomed to manage their own affairs, and who readily resort to violence when excited or thwarted, and this at a time when every industry in the island needs building up and when the utmost need exists that every able-bodied person should be devoting himself to the accomplishment of the utmost amount of profitable labor that he can effect. Thousands of the people of Habana are now supported by public charity, and there are thousands more whose physical needs are insufficiently met by the food which their labor enables them to procure. The whole structure of society and business is still on too slender and tottering a basis to warrant putting any addi-

tional strain upon it such as is involved in labor agitations and political excitements, and every movement in Cuba naturally and immediately converts itself into something with a political significance, stimulating the impressionable population to perpetual unrest.

Furthermore there is the continuing difficulty of the racial hostility of those recognized as of Spanish nationality and those of Cuban antecedents, who have for so many years been in conflict and at actual war, and representatives of both elements are busily engaged in fomenting deeper discord.

For all these reasons no continuance of agitation could be safely permitted in the interest of the people themselves, who need to be taught to use industry, thrift, and judgment, and to refrain from recrimination, passion, and violence.

I have only to say in conclusion that no military force was employed, nor was there a thought of it at any time, nor any necessity for resorting to it. All that was done was done by and through the constituted authorities, and the Cuban police have earned high commendation for the good judgment, discretion, and effectiveness with which their unpleasant duties were discharged.

I am of the belief that the general atmosphere is the better for the quiet and orderly dissipation of the serious peril which hung over the city for at least two days, and the local authorities are entitled to the highest credit for the effective part taken by them. It was in this sense that my letter, a copy of which is attached, was addressed to the mayor.

There are inclosed herewith articles and translations of articles of all the newspapers.

Your obedient servant,

WILLIAM LUDLOW,
Brigadier-General, U. S. V., Commanding.

[A handbill.]

MANIFESTO TO THE WORKINGMEN OF HABANA.

As soon as war was ended in Cuba the workingmen of this island thought that emancipation was a fact, and they believed so, since they had in their minds and hearts the words of that man the Cubans called the prophet, who was the teacher of freedom; and as every person must know that Spaniards and Cubans workingmen are still workers only, it is necessary to tell the reasons why they are to-day in subjection as they were yesterday.

Workingmen for a long time have struggled to get the eight hours of labor, thinking that the day ought to be divided into three equal parts of eight to satisfy their requirements.

A country without workers is good for nothing. The capitalist and the rich farmer need the workers, and all they have is owing specially to the men thus held subject, and as such a condition of things can not continue, we have determined to further the struggle between labor and capital.

The workers of Cuba will not consent any more to be subjected in such a disgraceful manner.

Since there were in Chicago seven martyrs who offered their lives when they raised the red flag that exalts all workers, we must hoist in this free country the same flag that caused the death of so many dear and noble companions.

And why shall we not? A country educated in slavery will never be a free country, and if so designated can only be ridiculed by civilized countries.

And how shall this be brought about? By uniting all workers in a compact body, destroying the yoke of servitude, and becoming free, great, and happy.

Only when such a thing happens can the country be called truly civilized and great, because in becoming free it has subjected the capitalist, erected a monument to labor, and accomplished the maximum of justice.

And why shall we not have this? When we have in a republic that is a model and is our neighbor eight hours of work and the rights that all men must have.

And if we men of the new America know what is a republic and the rights that workmen should have, shall we consent to be the scorn of all the workers of the world? No!

We know beforehand the responsibility we incur; we have been studying this matter for nineteen years, but death has taken away the man that should have established the eight hours of labor.

Those that wish to rectify their situation must attend the meeting that will take place on Sunday, the 24th instant, at 2 o'clock p. m., to discuss there what we should now do.

The meeting will be at Balboa square.

the workingmen, you must attend the meeting on which depends the life or death of the workingmen of Cuba.
 (Signed) Juan Tenorio, Francisco de Armas y Lopez, Serafin Busto, Evaristo Estenez, Simón Camacho, José Fraga, Juan Ayer.

OFFICE OF THE GOVERNOR OF HABANA,
 September 25, 1899.

The MAYOR OF HABANA.

SIR: In view of the endeavors made to bring about a general strike in the city of Habana and of the seditious and disorderly language used by the speakers at the public meetings of Sunday and the seditious publications that have been issued, you are requested to take means to arrest the following persons, and hold them subject to the formulation of proper charges against them, namely: Francisco de Armas Lopez, Serafin Busto Gonzales, Juan Ayer Garcia, Francisco Carballeda, Marcial Mosquero, Domingo Garcia Pinto, Juan Tenorio Fernandez, Emilio Estenez Colomina, Jose Gonzales Pintado, Jose Rodriguez Alfonso.

Your obedient servant,

WILLIAM LUDLOW,
 Governor of Habana.

OFFICE OF THE GOVERNOR OF HABANA,
 September 26, 1899.

To the MAYOR OF HABANA.

SIR: I am instructed by the military governor of Habana to say that he understands that the bakers are on strike, and if so he desires you to cause the leader to be arrested.

Very respectfully,

L. V. CAZIARC,
 Acting Adjutant-General.

OFFICE OF THE MILITARY GOVERNOR OF HABANA,
 September 26, 1899.

The CIVIL GOVERNOR, Province of Habana.

SIR: While a general strike is threatened, which, however, it is hoped will not occur, no authorization should be issued for public meetings, processions, or demonstrations of any kind that have for their object the furtherance of the strike or interference with the labors of those industrious and orderly citizens who desire to continue their occupations and provide for the support of their families.

Heretofore authorizations of this nature have been issued, notwithstanding that it was officially known that their purpose was hostile to the public welfare and in the nature of resistance to or coercion of the lawful authority. In all cases any application for meetings or demonstrations should declare the specific purpose, and the authorities should assure themselves of the real purpose of the matter, and of its entire conformity with the public interest and welfare.

Your obedient servant,

WILLIAM LUDLOW,
 Governor of Habana.

[Translation.]

HABANA, September 26, 1899.

To the Military Governor of Habana, Gen. WILLIAM LUDLOW.

SIR: Having read your proclamation under date of to-day, and in accordance with the same, the Guild of Masons and Assistants of this city, represented by its committee, has this day resolved to appoint a commission from the members thereof, to the end of laying before you the following:

Inasmuch as it is not possible for us to decide upon any action without first holding a general meeting of the members, we respectfully ask you to be pleased to give the necessary orders for our authorization to hold such meeting, we at the same time promising you that the greatest order will be observed, and we will endeavor to see if by this means we can effect an agreement between the masons and the employers.

This committee hopes that it will not be denied this petition, since notwithstanding that said guild has been on strike for thirty-seven days it has produced no disturbances of any kind.

This society has its headquarters at Monte 56.

I am, yours, respectfully,

CARLOS M. MARTIN,
 Secretary pro tem.

[Translation.]

To the MUNICIPAL MAYOR OF HABANA.

SIR: We, the signers of this document, delegated by the Great Assembly of Workmen of this capital, which was convened Sunday, the 24th of the current month, in the Plaza de Balboa, being to-day detained in the police Vivac, appear before you to set forth the following:

That it never was our intention to be disturbers of the public order; that we have not wanted to create obstacles in the way of the authorities, nor hinder the progressive march of this country so that we may enjoy the constitution of our native land, which we are all bound to the duty of serving. But if, notwithstanding our frank manifestation, it should be believed that our acts tended toward disturbance, we desire to make known that this was not our intention, nor further yet, that of raising the flag of anarchy, even though from the manifesto directed by the commission to the working people, and signed by some of us, it might seem to so imply; and we promise that in the future, abandoning all proceedings tending to disturb, we will limit ourselves to make use of the means provided for us by law in claiming all those things that we believe to be our right.

In virtue whereof we pray for our complete restoration to liberty, and hope you will bring it about through the corresponding agency, and that this favor will be extended to all those in a similar state.

Habana, September 27, 1899.

(Signed)

Francisco de Armas Y Lopez, delegate of the commission; José Gonzalez Pintado, Serafin Busto, Agustin Clira, Juan Tenorio, Baudilio Mares, Juan A. y Garcia, E. E. Estenoz.

[Translation.]

To the MAYOR OF THE CITY, *Habana*.

The undersigned, Domingo Garcia Pinto, secretary of the Masons and Assistants' Union, and Evaristo Estenoz, member of the administrative committee of masons, promise you to interpose their good offices with their fellow-workmen to the end of terminating the present strike of the union, without prejudice to our making, through the medium of your authority, such claims as we may deem just in the exercise of our profession.

We hope that in view of this promise you will take such measures, together with whomever it may be proper, as will restore us to liberty.

Habana, 28th of September, 1899.

DOMINGO G. PINTO.
E. E. ESTENOZ.

OFFICE OF THE GOVERNOR OF HABANA,
Habana, October 3, 1899.

To the MAYOR OF HABANA.

SIR: I desire to convey to you my sincere congratulations upon the success with which your efforts, and those of the municipal police, were directed in controlling the suicidal endeavor to foment a general strike of laborers and workmen in the city of Habana, which, if permitted to gain headway, would have been a serious disaster to the community.

The disappearance of the threatened peril is due primarily to the tact and firmness with which you conducted the matter, and to the discretion and vigilance with which the police, under the able direction of General Cardenas, discharged its duties.

My own participation in the matter was the formulation of certain basic principles of administration which it seemed expedient to make known, both as indicating that the responsible American authorities would fully sustain the action of the local authorities, and as conveying to a class of workmen, unskilled in public affairs and in danger of being misled by reckless and anarchistic influences, the true principles of liberty and of modern liberal government, the foundation of which is respect for law and order.

There was at no time any thought or necessity for the use of other forces than those of the civil administration, which were fully equal to the requirements of the situation.

My congratulations would be incomplete if they were not also extended to the workmen themselves, whose forbearance and acceptance of the requirements of the public security and welfare are worthy of all praise, and furnish good reasons for

the hope and expectation that nothing will be done to imperil the public safety and impair the welfare of the city.

Your obedient servant,

WILLIAM LUDLOW,
Governor of Habana.

[Translation from the Comercio, September 28, 1899, morning edition.]

GENERAL LUDLOW'S PROCLAMATION.

At the very moment when a dangerous strike was being initiated the proclamation of General Ludlow, the military governor of Habana, has come upon the people abounding in the most accurate and reasonable ideas, which can not have failed to carry tranquillity and ease to the minds of the people.

The general strike which was projected was an absurdity, but the movement that was being provoked might have become highly dangerous, and for this reason the community of Habana has viewed with satisfaction the measures adopted by the gubernatorial authority, and the very sensible address which he directs to all.

From the beginning we were of the opinion that the general strike which some deluded individuals wanted to bring about could not be carried into effect. Such a deviation forms one of the number of hallucinations which at times take possession of the mind, but which have no place in reality.

In those countries where the working classes are best organized, and where they have some motive for complaint because of receiving very reduced wages, it has not been practicable to carry the idea of a general strike into effect.

The most that they have realized was to extend considerably the strike of one or two unions, but a general strike calculated to cover all branches of industry will never be practicable.

This is because the paralyzation of industries, which go to constitute social existence, can not be carried into effect without society itself perishing from exhaustion. At the first symptoms of misfortune and want everybody would devote himself to supplying the want occasioned by those whose insanity had led them to suicide,

Furthermore, assuming that all workmen—that is, all those who are in the employ of industries, of commerce—should decide upon a certain day to fix the condition of fewer hours of labor or the increase of wages; that the owners of the respective enterprises did not deem it expedient to grant what they asked in order to avoid a social catastrophe, the results would not in any degree improve the condition of the workmen.

Because at the same time the price of articles of handiwork would rise, and in equal proportion the cost of all products would be enhanced.

The law of the cost of merchandise is regulated by itself; and man, with all the powers with which he is gifted, can not change the circumstances which together concur in the determination of prices with reference to all things purchased and sold.

If the work of to-day is worth double its value yesterday, likewise the product of the same work would cost double what it then did. To sum up, while the laborer would receive a large income in money, yet his circumstances would not be improved, because the cost of living would always be at the same proportion.

Lastly, the laborers of Habana find themselves in a position of more ease than those of Europe, and if a general strike has not been possible there, still less would it have been so here, where there is less occasion for complaint and where the workman receives more consideration.

[Translation from the Patria, September 28, 1899.]

WORDS OF WARNING.

Hard are the words of admonition which General Ludlow has addressed to the people of Habana as a result of the strikes recently begun, but harder yet is it to be obliged to confess that the conduct of a few has afforded sufficient occasion for us to feel the pressure of the hand which to-day holds the reins of government.

It is humiliating to observe the gravity of the conflict which it has been attempted to provoke when viewed with the want of justification for such a design, the lack of preparation therefor, and the utter impropriety of the circumstances. A general strike, supposing the same to be possible, is a weapon of such power that its employment could only be conceived in a state of society ailing with suicidal dementia. It would be equivalent to the case of an individual successfully and voluntarily paralyzing the general functions of his organism.

Without proceeding so far, a strike which affects at the same time different groups of the laboring elements is an occurrence so serious as to inflict incalculable damage upon the society in which it takes place. In order to justify such an extreme (measure) it should be supposed that they are in the presence of a truly intolerable situation. Is this the condition in which the laborers of Habana to-day find themselves? An observation of the absolute lack of harmony, not to say the unanimity, which obtains among them suffices to demonstrate that this is not one of those occasions when it might seem necessary to take counsel from a sense of desperation, which is equivalent to a renunciation of all counsel.

Undoubtedly there are classes among the instigators of the strike who suffer notably, and the understanding is that their fellow-workmen endeavor to help them in order to obtain a remedy for their ailments; but the very means of not aiding them is by going on a general strike, which would begin by exhausting the resources of those primarily interested—the laborers. This has been well seen and clearly stated by some of the most important unions in Habana, such as the cigar makers' and the printers'.

This being the case, whether or not its promoters desire it, a general strike would convert itself fatally in the shortest space of time into a general calamity, which would be accompanied by necessities that could not afford to wait. It would in fact be an awful menace to social stability and end in a frightful danger to it. Possibly the workmen who have preached this hazardous crusade have not taken into account all its terrible consequences, but that organism which did feel itself menaced has done so, and it is natural that it should make ready for the defense.

Never should the leaders of this movement have given cause for the occurrence of the conflict. First, out of a regard for the interests which they desire to defend, and again because of the general interests of the country which can not be separated, even though it be desired, from those of any single class.

The greater part of the workmen of Habana have seen that the movement, conducted as it was, conspired against its own legitimate ends. Those could not be other than the realization of what was just in the claims of the strikers. By an alienation of (public) opinion, which is always disposed in favor of the oppressed, by alarming society and lessening the products on which it subsists in proportion to the work left unperformed, the result would be to drive away sympathy and deprive of actual force the action intended to be exercised.

And, again, the economic conditions of the country are most unfavorable for the good outcome of a movement which demands such an enormous quantity of accumulated resources. To provoke such a movement under existing conditions seems equal to a desire to precipitate the entire inundation of the public wealth, which is of equal interest to all the inhabitants of the country.

There is even now opportunity to turn back from this dangerous course; there is even time to avoid the realization of the painful admonition, which ought to be keenly felt, considering how much easier it would have been not to give occasion for its utterance.

We do not want anyone to renounce his rights, but violence can provoke only violence. We give this admonition, so that it need not be given to us.

[Translation from *Diario de la Marina*, September 28, 1899.]

THE PROCLAMATION OF GENERAL LUDLOW.

The proclamation of General Ludlow that we published yesterday has created a very good impression in the opinion of the public, alarmed with sufficient motive, not only by the announcement of a general strike, but also by the spirit of insubordination and scandal which each time grows bolder, which threatens all to compulsion and confusion.

One of the greatest dangers in Cuba is without doubt some elements which like to override the others, without opposition from anyone, with the purpose of satisfying themselves, and this element, flattered by one and feared by others, and utilized by many as instruments, principally for creating discontent among the working classes. They are causing the riots and looking for trouble, such as was occasioned by the insults of last Sunday in the Centro de Dependientes (Spanish society). To put a stop to these pernicious rioters, so as to dispel from their minds that they are the masters of the situation and that they are superior to the law, the proclamation of General Ludlow comes at the right opportunity, which must be applauded by all persons who want tranquillity and order.

Some of the remarks which are noted in this document can be taken as an example—lesson given by a military man, a man who wears a sword, to those who aspire

to wear a toga—to many of those petty politicians in the Tropics. "The United States of America," says General Ludlow, "are pledged to the establishment in the island of Cuba of a stable and orderly government, and this pledge, made alike to the Cubans and the world, will surely be fulfilled. To this end every endeavor will be made to inculcate in the island the principles of self-government, the foundation for which, and for that true and self-respecting liberty that modern civilization demands, is an enduring respect for law and for the rights and liberties of others."

It is well that he who represents the principle of authority and order recalls these elementary principles to those who think positively that liberty consists in obliging the whole world to think as they do; to hang from a lamp-post and to expel from the island those who do not agree with them. Take, for an example, those revolutionaries who pretend to establish a fundamental republic, equal and democratic. Those are the ones who conspire against the liberties of the population, and the army of occupation, which represents the force, is the one which defends and protects true liberty.

On this, as well as on other occasions, the American army of occupation has an exalted mission of humanity and pacification, saving the country from bloody conflicts, assuring order, and imposing respect to people and protecting property, and keeping in check the excitable ones, who, one day or another, want to cut loose from the bounds of law and order. They have had many deficiencies, owing to their ignorance of the country, its customs, language, and in not having sincere and competent advisers; but it is true that they have prevented many days of mourning and sadness, and they have controlled in every way possible the turbulent faction, and they have administered honorably and with integrity to the interests of Cuba, to such an extent that some of these revolutionaries who think, although they deny it in public, but confess in private, the necessity of the continuance of the actual state of occupation as a supreme guaranty for this turbulent society.

So only the passionate demagogue and hungry spoilsman ask that this unfortunate country be immediately turned over to them as the owners, as if it were possible not to reflect what this country would be in their hands when now, in complete American occupation, calumnies are heaped on the Spaniards, which are fabulous inventions, so as to create bitterness of the people toward them—sometimes to the Centro Asturiano and another time to the Casino Español, intentions which they never had, and at last it is thrown against the Marquis de Rabell, which accusation, were it not ridiculous, would be very grave, and that is to instigate and protect underhandedly a characteristic strike of anarchists.

To-day this has no consequence but for the uneasiness it has caused the country and the indignation which it has produced among sensible persons; but how many disturbances and how many revolts and how much blood it would cost at the hour of danger if the interventors were not here to oppose their veto with the aptness and energy with which General Ludlow has opposed this torpid agitation which they wished to promote.

[Translation from *El Comercio*, September 23, 1899.]

TRUTH ABOVE ALL.

Once more we are called upon to praise as it deserves the proclamation of General Ludlow, military governor of the city, not merely because of the lofty motives upon which it is founded, but at the same time to recommend its reading and study to as many as may not have succeeded in penetrating well into what is meant by liberty, what constitutes lawful right and the meaning of justice, in order that those ideas may be realized in their true meaning and not confused with the caprice of passion and intemperance.

The document referred to has exercised an excellent influence upon the public mind, which became alarmed in a measure at the announcement of a general strike, a thing not even known in this country; and the lofty and energetic tone in which it was drawn have merited the eulogy of all who understand that liberty and individual rights are not at variance with good order, but, on the contrary, compatible with it and with the rights of others. Upon this principle rests the idea of true liberty, as we stated not long since in treating with the projected strike.

**REPORT OF MAJOR-GENERAL E. S. OTIS, U. S. ARMY, COMMANDING THE
DIVISION OF THE PHILIPPINES, AND MILITARY GOVERNOR
OF THE PHILIPPINE ISLANDS, SEPTEMBER 1,
1899, TO MAY 5, 1900.**

REPORT
OF
MAJOR-GENERAL E. S. OTIS, U. S. ARMY,
Commanding the Division of the Philippines, and Military
Governor of the Philippine Islands,

SEPTEMBER 1, 1899, TO MAY 5, 1900.

U. S. TRANSPORT MEADE,
En route from Manila to San Francisco, May 14, 1900.

THE ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C.

SIR: The annual report for the first year of the military operations of the Department of the Pacific and Eighth Army Corps and of affairs connected with the United States Military Governorship in the Philippines is dated August 31, 1899. All matters and incidents of importance relating to the department and corps, and to the United States administration in those islands to that specific date, are presented in that report. I now have the honor to submit a recital of Government action, both civil and military in character, which has been taken or inaugurated during the period of time from August 31 last to the 5th of the present month, when in response to my request I was relieved from command in the Philippines and took passage on the U. S. transport *Meade* for San Francisco. And in this recital I shall allude to the more important events which have transpired and comment briefly on causes and effects, but shall not enter into the particulars of military movements nor the details of civil supervision, leaving them to be presented by officers who have exercised special charge over such matters.

But before proceeding with the rehearsal, I desire to correct an erroneous impression which appears to prevail to a moderate extent (whether drawn from my former report or an incorrect knowledge of the then existing conditions I know not) that war with the insurgents was initiated by the United States Government, or that the attitude or conduct of its troops in Manila was the cause of hostilities, unless possibly it may be held that their failure to resent insult or punish hostile demonstration constantly recurring in their midst encouraged the already openly avowed enemy in the belief that it could easily slaughter them within the city which it had invested, and thereby incited him to action. War with the insurgents of the Philippines was forced upon us and was unavoidable. No nation but the United States would have permitted an unfriendly force of large numerical strength to throw up intrenchments and erect fortifications in the immediate proximity of its troops, as did the insurgents during several weeks preceding their attack on Manila, without considering it an act of war and adopt-

ing measures to arrest it. By all law and approved precedent the United States would have been fully justified in arresting these insurgent demonstrations by demand, to be followed with the application of force if demand was insufficient; and had that course been adopted no wrong could have been imputed to our Government. The subject, however, is no longer matter for argument, as the captured insurgent records have set the question at rest forever. They show that Aguinaldo, under the advice of the Hongkong junta, proceeded from that city to Manila Harbor with the intention of securing as much aid from the United States as possible, and then, when in his opinion he might find himself sufficiently strong, of driving out the Americans with the sword. His course throughout was consistent with this well-settled intention. His declaration of independence of June, 1898; his capture during the succeeding seven months of the slightly garrisoned Spanish posts throughout the islands, by which he obtained large quantities of arms and ammunition; the elimination from his so-called government of his ablest advisers, who advocated United States supremacy; his declared dictatorship; the concentration of his troops around Manila; the public demonstrations and rejoicings at his capital of Malolos on the anticipated victory of his army shortly before hostilities commenced—all following each other in well-timed succession—are sufficient in themselves to prove a predetermined definite plan of action to place the country under Tagalo rule.

But independent of the proof attendant upon this concerted plan, absolutely convincing evidence of intention to attack the United States troops is found in Aguinaldo's autographic instructions of January 9, 1899 (nearly four weeks before active hostilities were inaugurated), wherein he displays great simplicity in knowledge of military matters, but not that savage ferocity which characterized his instructions issued after the signal defeat of his troops on February 5, and which were set out on page 182 of my report of August 31 last. His duplicity at this time was marvelous, for he was professing friendship toward the United States, manifesting a great desire to restrain his people from committing hostile acts, and, upon the day his instructions bear date, he appointed a commission to confer with one to be appointed by myself "for the sake of peace," as he expressed it. The instructions are in Tagalo, and the following is a translation:

MALOLO, 9th of January, 1899.

INSTRUCTIONS TO THE BRAVE SOLDIERS OF SANDATAHAN OF MANILA.

ARTICLE 1. All Filipinos should observe our fellow countrymen in order to see whether they are American sympathizers. They shall take care to work with them in order to inspire them with confidence of the strength of the holy cause of their country.

Whenever they are assured of the loyalty of the convert they shall instruct them to continue in the character of an American sympathizer in order that they may receive good pay, but without prejudicing the cause of our country. In this way they can serve themselves and at the same time serve the public by communicating to the committee of chiefs and officials of our army whatever news of importance they may have.

ARTICLE 2. All of the chiefs and Filipino brothers should be ready and courageous for the combat and should take advantage of the opportunity to study well the situation of the American outposts and headquarters. Observing especially secret places where they can approach and surprise the enemy.

ARTICLE 3. The chief of those who go to attack the barracks should send in first four men with a good present for the American commander. Immediately after will follow four others who will make a pretense of looking for the same officer for some reason and a larger group shall be concealed in the corners or houses in order to aid

the other groups at the first signal. This wherever it is possible at the moment of attack.

ARTICLE 4. They should not prior to the attack look at the Americans in a threatening manner. To the contrary, the attack on the barracks by the Sandatahan should be a complete surprise and with decision and courage. One should go alone in advance in order to kill the sentinel. In order to deceive the sentinel the one should dress as a woman and must take great care that the sentinel is not able to discharge his piece, thus calling the attention of those in the barracks. This will enable his companions who are approaching to assist in the general attack.

ARTICLE 5. At the moment of the attack the Sandatahan should not attempt to secure rifles from their dead enemies, but shall pursue, slashing right and left with bolos until the Americans surrender, and after there remains no enemy who can injure them they may take the rifles in one hand and the ammunition in the other.

ARTICLE 6. The officers shall take care that on the top of the houses along the streets where the American forces shall pass there will be placed four to six men, who shall be prepared with stones, timbers, red-hot iron, heavy furniture, as well as boiling water, oil, and molasses, rags soaked in coal oil ready to be lighted and thrown down, and any other hard and heavy objects that they can throw on the passing American troops. At the same time in the lower parts of the houses will be concealed the Sandatahan, who will attack immediately. Great care should be taken not to throw glass in the streets, as the greater part of our soldiers go barefooted. On these houses there will, if possible, be arranged, in addition to the the objects to be thrown down, a number of the Sandatahan, in order to cover a retreat or to follow up a rout of the enemy's column, so that we may be sure of the destruction of all of the opposing forces.

ARTICLE 7. All Filipinos, real defenders of their country, should live on the alert to assist simultaneously the inside attack at the very moment that they note the first movement in whatever barrio or suburb, having assurance that all the troops that surround Manila will proceed without delay to force the enemy's line and unite themselves with their brothers in the city. With such a general movement, so firm and decided against the Americans, the combat is sure to be a short one, and I charge and order that the persons and goods of all foreigners shall be respected and that the American prisoners shall be treated well.

ARTICLE 8. All of our chiefs in the suburbs should prepare groups of the Sandatahan, who will attack with ferocity and decision the Americans within their lines, attempting to surround each group of Americans or to break through their lines. This must be done if the nature of the ground occupied by the Americans will permit and if the Sandatahan have the proper amount of courage and resolution, and the more courage and intelligence that they show in the moment of the attack the surer will be the result and the fewer will be their own losses.

ARTICLE 9. In addition to the instructions given in paragraph 6 there shall be in the houses vessels filled with boiling water, tallow, molasses, and other liquids which shall be thrown as bombs on the Americans who pass in front of their houses, or they can make use of syringes or tubes of bamboo. In these houses shall be the Sandatahan who shall hurl the liquids that shall be passed to them by the women and children.

ARTICLE 10. In place of bolos or daggers, if they do not possess the same, the Sandatahan can provide themselves with lances and arrows with long and sharp heads, and these should be shot with great force in order that they may penetrate well into the bodies of the enemy. And these should be so made that in withdrawal from the body the head will remain in the flesh.

ARTICLE 11. It can be taken for granted that, if the above instructions are observed, the enemy will not be able to use firearms because of the confusion in his ranks, as they would shoot one another. For this reason I have always thought the rifle useless in this kind of combat, for experience has taught me, my dear brothers, that when the Sandatahan make their attack with courage and decision, taking advantage of the confusion in the ranks of the enemy, the victory is sure, and in that case the triumph is ours.

ARTICLE 12. At last, if, as I expect, the result shall favor us in the taking of Manila and the conquering of the enemy, the chiefs are charged with seeing that the officers and soldiers respect the consulates, the banks, and commercial houses, and even the Spanish banks and commercial houses, taking care that they be not seduced by the hope of plunder. As if God sees this, He will reward us and the foreign nations will note the order and justice of our conduct. I charge that in the moment of combat, the officers, soldiers, and whatever patriots take part in the struggle will not forget our noble, sacred, and holy ideals, Liberty and Independence. Neither will you forget your sacred oath and immaculate banner; nor will you forget the promises made by me to the civilized nations, whom I have assured that we Fili-

pinos are not savages, nor thieves, nor assassins, nor are we cruel; but on the contrary, that we are men of culture and patriotism, honorable and very humane.

Above all I expect that you will respect the persons and goods of private persons of all nationalities, including the Chinese; that you will treat well the prisoners and grant life to those of the enemy who surrender. And that you be on the sharp lookout for those traitors and enemies who, by robbery, will seek to mar our victory.

EMILIO AGUINALDO.

Another erroneous impression, which, if it has not widely prevailed results from the failure of a few who have endeavored to create it, is that on the evening following the severe fighting on February 5, 1899, the insurgent authorities sought a conference with a view of terminating hostilities. These false impressions may have arisen in part from a hastily prepared telegram sent from Manila on that date, stating in substance that the insurgents had asked for a temporary suspension of hostilities, but had received the reply that having commenced war, it must continue. No proposition of any kind came from the insurgent authorities. The facts are as follows:

Judge Torres, the present attorney-general of the islands, who had recently arrived from Cebu, where he had filled a judicial position under the Spanish Government, immediately upon his arrival in Manila exerted himself for the maintenance of peace and offered his services to Aguinaldo to assist in bringing about friendly conditions. On January 9 Aguinaldo had appointed him senior member of what was termed his peace commission. He was at his home in Manila February 5 and visited me on the evening of that day, praying that I would propose to the insurgent authorities the establishment of a neutral zone that terms for peace might be considered.

He was informed that as war was the act of the insurgents we could not initiate proceedings, but that it must continue until they (the insurgents) were ready to submit propositions. He then asked that a fellow-member of his insurgent commission, Colonel Arguelles, who was in the city, might be permitted to pass through the lines in order to visit Malolos and confer with Aguinaldo and his principal advisers. This was granted, and Arguelles was taken by Colonel Kilbourne, of the Pay Department, to that portion of General MacArthur's line of battle opposite Caloocan. It being quite late in the evening when he arrived there he concluded to return to the city and recommence the journey early the following morning, which he did. He was passed through the lines under flag of truce, was absent two or three days, when he returned and was properly received by a party, which was viciously fired on by the insurgents as soon as their flag of truce had withdrawn a short distance. The firing caused our party to retreat quickly, Arguelles leading it and anathematizing his countrymen. He reported that his mission had been unsuccessful and that his advice was not heeded.

A few weeks ago he related his experience to me quite fully. He said that upon arriving at Malolos he saw General Aguinaldo and Señor Mabini and made known to them that General Otis would permit a suspension of hostilities upon the request of the former and received reply that a declaration of war had been made, copies of which were furnished him. Both Aguinaldo and Mabini made the statement that they had no objections to the suspension of hostilities, but beyond this general remark offered nothing and declined to discuss details. Arguelles said that he was directed to return to Manila and report simply that the insurgent authorities would not object to a sus-

pension of hostilities if desired. Asked what further took place at the conference, he answered, "Nothing;" that he merely told Aguinaldo and Mabini what I had said, which was to the effect that they had commenced the war and it must continue since they had chosen that course of action, but that I would listen to propositions if they wished to submit them. Asked if he endeavored to induce General Aguinaldo to submit a proposition, he replied in the negative, saying that he feared to do so as he might, in the then excited condition of the Filipino people, be charged with cowardice; that prior to the outbreak of hostilities he had stated to the insurgent government his belief that the Filipinos could not successfully resist the United States, and had thereby incurred the enmity of General Luna which relentlessly followed him. The insurgents did not desire peace at this time. They sent word to their friends in Manila soon after their defeat of February 5 that they were not in the least discouraged; that the battle had united their people in sentiment, and that they were strong in men and war material. Not until they were driven beyond Calumpit and Baliuag did they make any attempt to secure a conference with the United States authorities, and then only for the purpose of gaining sufficient time to reassemble their scattered forces.

On August 31 last the army in the Philippines numbered 30,963 officers and enlisted men, of whom, excluding volunteers awaiting shipment to the United States and the present sick, there were nearly 24,000 for duty. Of these 4,000 were in the southern islands. We occupied the islands of the Jolo Archipelago with stations at Jolo, Siassi, and Bongao; Negros, with small garrisons at many points in that island; the cities of Cebu and Iloilo, and the country adjacent thereto within a circumscribed radius of a few miles. In Luzon our northern line extended from San Fernando of Pampanga to Baliuag, province of Bulacan, with a strong outpost at Angeles, and covered all country to the south and beyond Manila to the towns of Bacoor and Taguig, Cavite province, lying, respectively, on the Bay of Manila and the Laguna de Bay, with troops at Imus, a few miles south of Bacoor, and at Calamba and Los Baños on the south shore of the Laguna. The enemy had been driven previously northward beyond San Isidro, province of Nueva Ecija, eastward from a portion of Morong, and southward from the Manila Bay country, but our lines had been shortened to permit the withdrawal of the volunteer organizations, which had been in progress since the early days of June, and to prepare for subsisting the army at practicable points during the rainy season. All of these movements are fully explained in my former report.

The temper of the insurgent troops at this time was confident and aggressive, as we had not made any forward movement since the latter part of June, and the more ignorant appeared to believe that our resources were about exhausted. Among the better class of Filipinos, however, impressions were far different, as fully appears from correspondence which has recently come to hand. I cite the following communication of a leading Filipino, of July 7, and the response of Aguinaldo, dated September 14, 1899, to show the divergent views which then prevailed:

MANILA, July 7, 1899.

SR. DON EMILIO AGUINALDO.

MY DEAR DON EMILIO: Mr. Olimpio Guamson has delivered your message to me, asking for my frank and honest opinion concerning our present political situation, and the probable future which awaits us. I shall give it with pleasure, not only

because it is my duty as a Filipino, but because of the sincere friendship which binds me to you. I will refrain from making a critical judgment of all your actions prior to the 4th of February, the date of the outbreak of hostilities, taking them simply as data upon which to base my deductions, and will presuppose in all of them good faith from the point of view of the patriotic motives which impelled you to perform them.

We have commenced hostilities; we have had our wish—for I remember perfectly well that war was the desire of the majority in Malolos, the military element, however, being prominent in this majority, and raising its voice upon the subject, dragging after it the rest of the people. And what has been gained? Nothing but ruin, death, and desolation.

We have not been able to prevent the Americans from going anywhere they pleased, and it has been plainly evident that the valor upon which we depended was not enough, but to conquer, it is necessary to have many things which the Americans possess in abundance, and which we lack.

As time goes on our chances for victory grow less, and the further the American troops advance so much worse is our condition for asking concessions for our unhappy country.

Up to the present time the American troops, in my opinion, have had no other object in view than to show their bravery, a quality which had unjustly and erroneously been denied them both privately and in the public press. So far, either on that account or for other reasons, America has not sent here an army capable of a military occupation of all our territory, nor has a formal campaign been commenced; that America can do so we are unable to doubt, and that it will be done if we persist in our present attitude we may feel certain. And what will then remain to us? What could we ask for?

We are in error, and yet we persist in that error, impelled by those who dream of a triumph of a party which is to-day in the minority in the United States, without perceiving that this party is also American, and that they are not going to give us our independence out of hand as a matter of sentiment at the expense of the honor of America and in spite of the grave responsibility, both international and domestic, contracted under the treaty of Paris. Others dream that because part of the press of Europe copies from the American antiimperialist papers the criticisms of that party against the government of President McKinley a European intervention in our favor is to take place, without reflecting that the treaty of Paris was made before all the civilized world, and with its assent.

The war so far has only laid bare our insufficiency and our shortcomings.

In my judgment, giving these conditions, the time has arrived for your policy to change in a radical manner, unless you wish to see forever annihilated the hope that our people may some day take its place in the concert of the civilized world, unless you wish to see the complete ruin of our race and of all our country, and unless you are willing to accept the grave responsibilities which will fall upon you.

To-day, then, I address you as a friend and as a Filipino and say, "Peace is an imperative necessity. Nothing can prevent the triumph of America. Do not struggle against the inevitable. Peace must come some time, and the man who restores peace to the Philippines will win the admiration of the world and the gratitude of his country. Be that man. Since 1896 you have been the soul of the people, and have merited their blessings for your wonderful and providential wisdom. Be now the peace maker, that your glory may be perpetuated. As you are the man who, when brought here by the Americans, roused the people as one to the work of our emancipation from Spain, be now the one to say, 'Enough of conflict. We have seen that our ideals can not be realized by this means; let us make peace, and let us work and learn. For by working and learning with a free people, such as the Americans, we shall cast from us the vices of our old masters, and will some day win the independence we so much desire.'"

This is what I believe you are called upon to do, and I think that you will never repent it. There is no other remedy—no other path open. Do not forget that many Filipinos are losing their lives every day in the defense of the impossible; that every day the ruin of property sacrificed in vain is greater, and that, if finally there is no help other than to submit to the American sovereignty, it is not just to sacrifice more lives and property, whereby you will contract before God and man responsibilities of such proportions that they alarm me.

Stop while you may, and believe me that now is the appointed time; a little later the policy of the American Government will change completely the sentiment of that free and noble people, which loves its own liberty as much as it desires that of other nations, and then a race war will come which will end in our extermination.

I believe that with what I have said I have performed my duty and complied with your wishes. I must, however, state that I have done so freely, without suggestions

Or coercion of any kind, and also that I have made no special political studies, nor have I had preparation for speaking upon matters of this nature. The only merit of this opinion is that it is the manifestation of the intimate conviction of a citizen who is inspired by the best of good faith and the desires of his people.

I am, as ever, your affectionate friend and obedient servant.

B. LEGARDA.

[Personal.]

REPUBLICAN GOVERNMENT OF THE PHILIPPINE ISLANDS,
OFFICE OF THE PRESIDENT,
Tarlac, September 14, 1899.

SR. BENITO LEGARDA,
Manila.

MY DISTINGUISHED FRIEND: Your two kind letters have reached my hands, and I have informed myself of all you say in them. Many thanks for the information you give me. I beg that you will pardon me for my delay in making reply, but I must tell you that some time elapsed before they reached me.

I believe what you tell me as to the reinforcements of the enemy which will not be long in arriving. Not only do I believe this, but I am convinced of this fact, and even before the outbreak of hostilities was sure that with their wealth and their innumerable and powerful elements of war, they could, whenever they so desired, send as many as they need. In reply to this I must tell you that it is impossible for me to turn back from the enterprise which I have undertaken—that of defending our country, and especially as I have sworn that as long as life lasts I shall labor until I gain the acknowledgment of the independence of the Philippines. Do not attribute this declaration to my vanity, but to my desire to fulfill a former promise. This, aside from the fact that the struggle for the independence of our country is just and based upon our perfect rights.

We are not alarmed by the numerous arms or the valor of the enemy. What is life to us if we are to be the slaves of the foreigner? It is a pity that all the enlightened Filipinos do not employ their knowledge and experience in the defense of their country. I repeat, we will not give up the struggle until we gain our longed-for independence; death is of but little moment to us if we are but able to assure the happiness of the people and of future generations.

We must no longer allow ourselves to be fascinated by the flattering promises of the enemy. You know that they first solemnly assured me that they would acknowledge our independence. Nevertheless, the attempt is now being made to force autonomy on us by superior strength. They have been using explosive bullets since the 9th of August last, and have bombarded defenseless forts contrary to the precepts of international law. But it matters not that they use these elements of destruction. Resistance and the firmness of our resolution will be sufficient to wear them out. If this is not enough to induce our enemies to desist from their endeavor, we will go, if necessary, into the mountains, but never will we accept a treaty of peace dishonorable to the Philippine arms and disastrous to the future of the country, such as that which they seek to impose. For this reason I advise all those who do not feel themselves strong enough to accept this sacrifice, and whose services are not indispensable to our Government, to return to Manila and the towns occupied by the enemy, reserving themselves to strengthen the organization of our Government when our independence is gained, replacing those who, wearied by the struggle, are in need of rest.

I am not displeased that some Filipinos have consented to hold office under the Americans; on the contrary, I rejoice that they have done so, for thus they will be enabled to form a true estimate of the character of the Americans. I also rejoice that our enemies, having had recourse to the Filipinos for the discharge of the duties of high positions in the public service in its various branches, have shown that they recognize the capacity of our people for self-government.

Before closing I take the liberty of addressing you the following question: To what is due that policy of attraction employed by our enemy if not to the resistance of our army? "One should never repent of a just determination."

Kind regards to your family, and to Messrs. Arellano, Pardo, Torres, and other friends.

Command at will your most affectionate friend,

E. AGUINALDO.

The letter from Aguinaldo, dated from his capital at Tarlac, expresses highly approved sentiments and displays the sublimity of individual patriotic devotion. It also displays that cunning and shrewdness by which he has been enabled to hold together members of a lately discordant cabinet striving with each other for individual prestige, and deceitfully intensifies the desire of the Filipino people to continue in armed opposition to United States authority. On the latter point, a Tarlac letter written by an insurgent Filipino, the 14th of July, to a Tagalo friend in Manila will throw some light, and it likewise shows the character of the government Aguinaldo was maintaining. It is, in part, as follows:

MY DISTINGUISHED FRIEND: For some days I have been trying to get into your city and to leave this band of thieves, but with my numerous family it is impossible to travel off the road, and they watch us here so closely that it is impossible to get away, which I very much regret. However, I believe this will all end up some way or other, and a great many of the people here long for the American troops to advance, for everyone is desperate with so much savagery committed by our army. Quiet citizens are never left in peace, nor anyone in fact who has as much as a grain of rice put aside. * * * I will not go into details as to occurrences here, or this letter will be too long. The bearer will give you and other friends any information you may desire. I do not sign this letter or put down the address, as to do so might bring disagreeable consequences.

Yours, truly,

This letter expressed the opinion of the men of property who were forced to contribute largely of their goods and money and to purchase insurgent government bonds, of which an issue amounting to \$500,000 had recently been made. It did not voice the sentiments of the army officers, who were enjoying a license of action never anticipated before its realization, and of the ignorant masses who composed the enlisted strength of that army and preferred to gain subsistence through exaction rather than by the severe manual labors of former days. The army offered an excellent field of operations for the ladrones in which to practice their congenial pursuits. They had been gathered from all portions of Luzon, and were of great service in recruiting diminished insurgent ranks by enforced drafts on the people. There were, however, large masses, especially in the sections not yet visited by United States troops, who believed the American was the cruel barbarian depicted by the insurgent press and that their salvation depended upon their ability to drive him from the islands. Hence, at the end of August rebellion still presented a bold and defiant front, and the former successes of our arms, while they had taught the insurgent forces to fear contact with our troops, had not diminished, but had increased rather the efforts of insurgent leaders.

The 1st of September found us with a total force in the Philippines of 30,963 officers and men, of whom 26,829 were effective and performing duty of some character. During the month the Kansas, Washington, Iowa, and Nevada Volunteers, the volunteer signal organization, and many discharged men from the regular establishment were sent to the United States, to be followed by the Tennessee regiment on October 8. This completed the work of shipment of all volunteers and of all men who were entitled to discharge under the provisions of War Department General Orders, No. 40, of 1898. No new organizations were received during September, but 2,601 officers, casuals, and recruits for the regular regiments arrived. Our strength on October 1 was 442 officers and men less than for the 1st of the pre-

vious month, but our effective force was about the same, as there had been a decrease in the sick report.

Only minor military operations were attempted in September, since, as in August, the troops were busily engaged in relieving those directed to depart from the islands, there being two volunteer regiments in Panay, Negros, and Cebu which had to be withdrawn, and also a few organizations on the outer Luzon lines which were to be replaced. This exchange was effected as rapidly as vessels could be secured to transport men and supplies. Necessary repairs to the railway and rolling stock in our possession were vigorously prosecuted. Dispositions were being constantly effected to commence the execution of a well-determined plan of operation in northern Luzon as soon as an available force would justify it, and continued caution was exercised to neutralize the enemy's aggressive movements and to severely punish him for the temerity he was expected to display. Since the early portion of July he had gradually become more bold because of our apparent quiet, and was inclined to take the initiative wherever he might consider an opportunity offered. His troops attacked various portions of General MacArthur's lines at the north, made various attempts to cripple the railway between Manila and San Fernando, the continued working of which was essential for the forwarding of troops and supplies required in the contemplated northern operations and the forwarding of subsistence to the men holding that section of country. They threatened the lines about the city of Manila, concentrating at Mariquina, San Mateo, Montalban, and vicinity, in the provinces of Manila and Bulacan, and to the eastward in the province of Morong. They gathered and attacked Calamba on the Laguna de Bay, also the strong outpost at Imus, province of Cavite, and in fact the retired line which General Lawton maintained along the bay front from Pasay to Bacoor. The insurgents of the city of Manila again became somewhat confident and under a chief, an influential Tagalo appointed to the position by Aguinaldo in July (whose letter of appointment has been secured), actively engaged in supplying the insurgent troops with contraband of war and in plotting for another uprising within the city's most densely populated sections.

These agents of Aguinaldo worked with great dexterity. To relieve the condition of the inhabitants within our lines we had permitted trade to be carried on by water transportation from Orani on the north shore of Manila Bay to Bacoor on its southern shore and along the Pasig River, and although it was carefully supervised we discovered that Manila was supplying insurgent troops to the north and south of the city with subsistence, clothing, and articles for the manufacture of ammunition in quite large amounts. Therefore trade was limited to an exchange of certain particularized merchandise and products. Still the illicit traffic continued to be prosecuted to a considerable extent, but the danger to be apprehended therefrom was slight in comparison with the necessity for relieving the needs of the inhabitants, and no additional vigorous restraining measures were adopted.

An amusing illustration of restored confidence among insurgent leaders during September is found in a letter of Gen. Pio del Pilar to an acquaintance in Manila, and it especially shows the estimate Pilar then had of the prowess of his troops. He wrote that by January at the farthest he would capture the city and take into captivity the archbishop and the American commander, but that for \$1,000,000 he

would hand over to the American authorities Aguinaldo and his entire government.

Preparations for extended movements of troops to the northward of Luzon, where the bulk of the insurgents confronted us, were commenced in August. The enemy held the towns to the west and north of San Fernando, extending from the Guagua and Porac road through Angeles, and thence east to Arayat, with outposts in the near vicinity of San Fernando. They had removed more than one-half of the railway track between San Fernando and Angeles, a distance of 10 miles, and had destroyed a portion of the roadbed. It was necessary, therefore, to secure Angeles, the intersecting point of many divergent roads and a good strategic position, also to reconstruct the railway as rapidly as possible preparatory to an advance on the flank of the enemy by the San Isidro and Cabanatuan route. General MacArthur was called upon to seize Angeles, and, driving the enemy from the vicinity of Santa Rita and Guagua, he threw a column of troops, of which General Wheaton took command, consisting of two guns of Taylor's Battery under Lieutenant Kenly and the Twelfth Regiment of Infantry under Lieut. Col. Jacob H. Smith, into Angeles and thrust the enemy back to Magalang and Mabalacat. Holding this position, he subsequently, in September, drove the enemy beyond the Porac and Florida Blanca road, thus holding a much stronger advanced line than the one he formerly maintained. These movements were attended with very little loss to us compared with the casualties the enemy suffered in men and war material.

Work on the 10 miles of railway between San Fernando and Angeles was immediately commenced by the Quartermaster's Department under the supervision of Major Devol and was soon prosecuted to completion, the first train passing over that portion of the road on September 20. In the meantime, and especially during the latter portion of September, rations and forage were pushed through by rail to Calumpit, a point on the Rio Grande Pampanga River, where they were to be taken by boat and forwarded up the stream as far as the volume of water would permit. For this river service river gunboats, launches, and cascoes were sent to Calumpit from Manila and advantage was taken of the rainy season in order to secure the best river navigation of the year. These supplies were to consist of 650,000 rations and half forage for several months for the horses of a regiment of cavalry and 200 draft animals. It was thought they might be pushed through as far as San Isidro, where the Spaniards had established a small military post which offered good storage. Only a few of the troops to comprise the column which it was intended to send north on the line of this river and on the flank of the main body of the enemy had yet arrived, but were en route and soon expected.

Brigadier-General Young, who had reported the latter part of July and been assigned to the command of the Third Brigade, First Division (Lawton's), was sent north with a squadron of the Fourth Cavalry and the Twenty-fourth Infantry to San Fernando (General MacArthur having removed his headquarters to Angeles) to form a provisional brigade to be attached to General Lawton's division. Upon arrival he took charge of that section of country, and assisted General MacArthur in holding partially vacated positions while the troops of the Second Division were moving to the north and westward of Porac and clearing up the country south of that place. General Young placed

the wagon road by way of San Fernando, Mexico, and Santa Ana to Arayat in condition for the passage of army wheeled transportation, which was being forwarded by rail to the first-named place for use of the column destined to take that route. He had several engagements with the enemy's detachments, which he drove back from Mexico and Santa Ana on the Magalang road, resulting in slight casualties to himself, but which were somewhat serious and quite demoralizing to the enemy. He awaited at San Fernando the arrival of General Lawton, who had been directed to take personal supervision of the column when all the troops constituting it could be gathered, General Young to command the cavalry of the column, which was to consist of headquarters and two squadrons of the Third Cavalry, and headquarters and six troops of the Fourth Cavalry, with such additional mounted troops as could be secured.

In the meantime ladrones and insurgent soldiers were operating extensively in the swamps and esteros which fringe Manila Bay from the mouth of the Rio Grande eastwardly to the city of Bulacan—even to the northern limits of Malabon. This section of country has always been infested with thieves and robbers who subsisted on the fruits of their piracies in the bay and from the results of their robberies of the inhabitants dwelling along its coast. Our troops could not contend successfully with these independent bands, hidden as they were in the dense growth of nipa which covers that lowland, and our attention was called to the practicability of employing, organizing, and arming for that work the Macabebes of that country. This people had been true to the last to the Spanish interests, had suffered great cruelties from the insurgents, and desired to take service against their hereditary enemy, the Tagalo. The wisdom of employing them had been considered shortly after our troops captured Malolos, and General MacArthur (within whose division lines they resided) and I concluded that they might commit many offenses against the Tagalo inhabitants if furnished with arms and allowed any freedom of movement. We therefore concluded to defer further consideration of the subject until a future time. But now that their services would prove essentially valuable in the swampy jungles in the immediate proximity of their home, and as they were supplied with many small boats with which travel therein is only practicable, and as General Lawton especially desired a small force of them to act as guides and scouts for his contemplated northern column, it was determined to raise two companies, each 128 strong, place them under charge of competent officers, to be carefully selected for that duty, and test their efficiency. This was done. Lieutenant Batson of the Fourth Cavalry was placed in charge of the battalion, and several officers were detailed to assist him.

The Macabebe boat exercises through the swamps destroyed or drove inland from their hiding places the robbers and insurgents who dwelt there and who lost through capture many of their guns. Though the Macabebes were prone to rob and abuse the inhabitants and treat with cruelty their captives unless closely watched and restrained, still their successes influenced us to organize an additional company for service in that section, as those already employed there were intended for use with the troops of General Lawton. They performed efficient service, not only as guides and scouts, but also as detectives, were fearlessly led by our officers, and in the advance through Northern Luzon in the

pursuit of armed insurgents who had escaped through the San Jose, Tayug, and San Fabian lines, kept pace with the pursuing cavalry. They were, however, greatly feared by the inhabitants of all sections of country through which they advanced. Many of them had been Spanish soldiers and were acquainted only with Spanish methods of dealing with rebellious subjects, or with natives from whom they wished to extract information, and those methods were in most instances attended with inexcusable harshness. Later, when a detachment of 60 were employed as scouts in the extreme south of Luzon, particularly in the province of Tayabas, it was found expedient to withdraw them and send them back to their homes in the city of Macabebe, that the fleeing inhabitants, who feared them but had the utmost confidence in the humanity of the American troops, might be persuaded to leave their concealments in the hills and mountains and return to their towns. They have since continued to patrol the southern shore of Manila Bay, the province of Bataan, and southern Zambales, but being constantly under close observation have not committed extravagant excesses.

In October the new volunteer organizations began to arrive. The three regiments organized in the Philippines (the Eleventh Cavalry, the Thirty-sixth and Thirty-seventh Infantry) were in service, and during the month headquarters and two squadrons of the Third Cavalry, all of the Twenty-sixth, Twenty-seventh, Thirtieth, Thirty-third, and Thirty-fourth regiments of infantry, with portions of the Twenty-ninth and Thirty-second and casualties for other organizations, numbering, all told, 312 officers and 8,154 enlisted men, reported. The Twenty-sixth Infantry was immediately sent to Panay and the other troops retained in Luzon. These were followed in November by the remainder of the Twenty-ninth and Thirty-second Infantry and all of the Twenty-eighth, Thirty-first, and Thirty-fifth Infantry regiments, which, with recruits and casualties who accompanied them, numbered in their entirety 214 commissioned officers and 5,448 enlisted men. All of these troops excepting the Thirty-first Infantry, which was sent to Mindanao, were retained for service in Luzon. In December there arrived 459 officers and 12,201 enlisted men, consisting of the Thirty-eighth, Thirty-ninth, Fortieth, Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh regiments of infantry entire and two batteries of the Sixth Artillery, with recruits and casualties for present organizations. The Forty-fourth Infantry was forwarded at once to Panay and Negros and all of the other organizations disembarked at Manila. In January there arrived the Forty-first, Forty-eighth, and Forty-ninth regiments of infantry, which, with recruits and casualties, numbered 266 officers and 5,279 enlisted men. The above designated troops comprised all the additional force the authorities intended to forward to the Philippines.

Our total effective strength in the islands in commissioned officers and enlisted men (sick only excluded from the computation) was, at the termination of the several months heretofore mentioned, as follows: At the end of August it was 26,820; October, 35,683; November, 40,833; December, 51,167; January, 54,803, and for February and March the returns show 55,333 and 55,882, respectively. The figures are in all probability the highest that will be reached, as the volunteer organizations must gradually diminish in numerical strength.

The sick of this army decreased from August to January, during which period it experienced the most trying service and the severest climatic

exposures. For August it was 13½ per cent of its total number; for September, October, November, and December it was 11.6, 10.3, 10.6, and 8.7, respectively. It increased again in January to 11, which per cent it maintained throughout February, and fell to 10.9 in March. It is now slightly under that figure. These sick lists include the names of all men incapacitated by reason of wounds, bruises, and ailments of every character, and must be considered remarkably low for a tropical climate in a season of marked active military operations. Could soldiers be induced to obey the ordinary rules of health and compelled to take those precautionary measures necessary in hot climates, the sick list would not probably exceed a per cent of 6, for the experience of the troops in the Philippines shows that the climate is not unhealthful, though enervating because of excessive continued heat. It also shows that troops liberally subsisted retain their powers of endurance, and after a short acclimatization can surpass the poorly fed natives in overcoming the difficulties to be met with in campaigning amid swamps or jungles and over mountains.

These new volunteer regiments had been provided with excellent field officers, who had taken advantage of their opportunities to make them proficient, and upon landing in the Philippines they proved to be in fair condition to take the field. There also arrived within these months Brigadier-Generals Wheeler, Young, Schwan, and Grant. General Wheeler was assigned to the command of a brigade in the Second Division; General Young to a brigade in the First Division, as has already been stated; General Schwan was appointed chief of staff of the department and corps, and General Grant was assigned to the command of a brigade in General Lawton's First Division. Late in September Brigadier-General Bates reported for duty at corps headquarters in Manila, he having completed the duties assigned him in the Jolo archipelago.

The approximate time of the arrival of the volunteers could be determined with comparative accuracy, as information of their departure from the United States was promptly cabled from Washington. We therefore knew for a month at least in advance the strength of the force we could depend upon when about to initiate an aggressive movement against the enemy.

It was known that the enemy at the north, where was concentrated the insurgent government and a majority of its army, which was receiving accessions from the southeastern provinces of Luzon, intended, if worsted in the lowlands and on the plains, to retire to the mountains to the north and east, where it asserted it could prolong the war indefinitely. It was also believed from the secret information obtained from scouts and other sources that the insurgent armed force in the north did not possess more than 25,000 rifles, of which 2,000 or 3,000 were in the hands of troops maintained in the extreme northern sections of the island. Could the forces along the line of the railway from Angeles to Dagupan and throughout the provinces of Tarlac, Pangasinan, and portions of Nueva Ecija and Bulacan, where the majority of the insurgent troops were then operating, be held there until we could close the northern and eastern roads of egress to the mountains, we had no doubt of our ability to capture or scatter them, take possession of the railroad, and pursue successfully any of their retreating columns or detachments. Such were, in brief, the conclusions reached early in August, and to the development of an appropriate plan of

operations all other military movements in Luzon were made subservient. Preparations by the initiatory movements of troops commenced in August by General MacArthur's capture of Angeles, whose objective would thereafter become the insurgent troops along the line of the railway. General Lawton was to proceed up the Rio Grande from Calumpit and San Fernando, prepared to swing to the left should occasion require, and another force was to proceed by sea to San Fabian, on the west coast of Luzon, a few miles east of north from Dagupan. The plan was ultimately fully executed and was only delayed by the necessity of awaiting the arrival of sufficient additional troops whose assistance was required to insure success. These were to arrive in October, and the advance could be taken up by the middle of that month.

The forwarding of cavalry, infantry, and wagon transportation to San Fernando, which began September 20, the construction of flat boats, and the gathering of cascos in the Rio Grande at the Calumpit railway crossing, and the accumulation of supplies at the last-named point, either alarmed the insurgent authorities or induced them to believe that the time had arrived for putting to the test their frequently expressed intention of falling upon our soldiers in large numbers as soon as they should become scattered in small bodies over an extended field of operations, for their troops manifested renewed activity. They attacked our force at Angeles, made demonstrations against the towns of Guagua, Santa Rita, Mexico, Santa Ana, and Baliuag, on the northern line, annoyed our detachments guarding the railroad and the organizations placed for defense on the outskirts of Manila. Those authorities gave instructions for more aggressive action to their troops south of Manila, and through their emissaries endeavored to incite the inhabitants of the city, directing uprising and assassination. On the 1st of October a plan to attack the arsenal in the walled portion of the city with a force of 700 men, mostly armed with bolos, and at the same time to concentrate a force of a thousand or more in its northern section, there to apply the torch and work such destruction to life and property as they might be able, was fully determined upon. It failed to materialize, as the extra watchfulness of the provost guard, police, and detachments occupying the various barrack buildings prevented those meditating hostilities from taking the initiative. Throughout the Cavite province, where comparative quiet had prevailed for some time, renewed activity was noticeable. Along the Bacoor and Imus roads the insurgents gathered in large numbers. They invested Imus and boldly attacked our troops there, confident of success. General Grant was commanding in that section, but had not sufficient force to insure the safety of the various points which his brigade occupied. General Lawton proceeded to Bacoor to ascertain the true situation, and wired on October 3 as follows:

I have just arrived. Find enemy still occupying west side of Imus River. Am crossing force here to other side river, consisting two companies, Fourteenth Infantry, and 130 marines from Navy. Have ordered troops from Paranaque, Las Pinas, and Zapote, including McGrath's troop, cavalry, from Pasay to this place. They are to be relieved, or their places to be taken by three companies of the Thirteenth Infantry from Pasay. Colonel Daggett will command troops crossing here to west side river. General Bisbee will take charge of everything up to and including Bacoor. General Grant will go to Imus and will command in person there. He will take one battalion, Fourteenth Infantry, and move down west bank Imus River to meet column from this side. By this means I hope to clear out enemy and reestablish

communication with Imus permanently. I think troops of Thirteenth can return this p. m., if not, the Pasay line may need looking after. Will wire any important information as it is received.

And later in the day he telegraphed:

Enemy driven from vicinity of Imus and Imus River. Casualties: Lieutenant Burgess, artillery, severely wounded, leg. Several insurgents killed and several wounded, and others captured. General Grant will continue in pursuit of enemy for short time longer and then return to Imus for the night. I will return immediately to Manila.

At Calamba General Kline, who exercised command there, telegraphed on October 4 the result of an attack made on his troops at that point, and added that the "most conservative estimates from the outside place the number of insurgents killed yesterday at about sixty."

It therefore became necessary to attack and severely punish these Cavite insurgents before prosecuting operations in the north, as our present strength did not allow the retention of many men on our southern line while the general northern advance was in progress. General Lawton was instructed to form at Bacoor a column of troops from those available in Manila and south of the city, drive off the insurgents in the vicinity of Imus, and, proceeding from Bacoor westward along the shore of Manila Bay, attack their strong positions at Cavite Viejo and Novaleta, and thence, proceeding in the direction of the seacoast to Rosario, situated near that coast, turn and attack San Francisco de Malabon, the headquarters of General Trias, who commanded all the insurgent forces of Southern Luzon. Thereafter he was to be guided by circumstances and such instructions as he might receive. He was instructed to pursue the armed insurgents, paying no attention to the apparently peaceably disposed citizens except to give them temporary protection while troops were passing, to leave behind no guard, but to push on with the entire command to the seacoast, where supplies would be found awaiting the arrival of the troops. General Schwan was assigned to the immediate command of this column, which, upon complete organization, numbered 46 officers and 1,728 enlisted men. It consisted of the Thirteenth Infantry entire, Colonel Bisbee commanding; four companies Fourteenth Infantry, commanded by Captain Taylor; Captain McGrath's dismounted troop Fourth Cavalry, and Captain Tate's mounted troop of the Third Cavalry; two platoons Light Battery F, Fourth Artillery, under Captain Reilly; an engineer company, commanded by Captain Sibert; an Hospital and Signal Corps detachment, with Surgeon Keefer and Lieutenant Clarke in charge, and 63 scouts (white and Tagalo in equal proportions), commanded by Lieutenant Castner of the Fourth Infantry. General Schwan's temporary improvised staff consisted of my aid, Lieutenant Sladen, acting adjutant-general; Captain Biddle, Fourteenth Infantry, as chief quartermaster; and Lieutenant Bash, Thirteenth Infantry, as brigade commissary. He was attended by his own personal staff, and accompanying him were Captain Taylor, Fourth Artillery, and Major and Surgeon G. F. Shiels.

Upon the assembling of the troops at Bacoor the Fourth Infantry, which had defended Imus and guarded the Imus and Bacoor roads, was concentrated at Imus. On the evening of October 7 the column proceeded westward and crossed the Imus River near its mouth. I had requested the commander in chief of the naval forces on this

Asiatic station to cause the marines stationed at the Cavite naval station to occupy the attention of the insurgents at Novaleta, which was situated at the base of the narrow neck of ground which connects the mainland with that station, while General Schwan should engage those in the vicinity of the town of Old Cavite. A battalion of marines under command of Lieutenant-Colonel Elliott moved out promptly on the morning of the 8th and engaged the enemy, whose outposts were concealed in the dense brush on the connecting strip of land, to which they tenaciously held. They were driven back on Novaleta with considerable loss, the casualties among the marines being 2 officers and 9 men wounded. The fighting of Schwan's troops near Cavite Viejo was severe. The enemy was soon dislodged, however, leaving on the field a number of dead, a few rifles, and two pieces of artillery. The column then moved quickly to Novaleta, where it struck in flank the formidable insurgent intrenchments which had been erected there, quickly drove out the enemy, who, greatly dispirited, retreated rapidly on the Rosario and Malabon roads and through the dense brush to the vicinity of their homes, where, with arms concealed, they would be able to present themselves to any passing American troops as the most consistent of "amigos." The column rationed at Rosario advanced on San Francisco de Malabon, driving out the enemy, who made slight resistance, to the southward.

General Schwan was then directed to cross over to the Imus and Dasmariñas road and march on Dasmariñas. The time was the middle of the rainy season, and all roads were well nigh impassable for artillery and wagon transportation. He had experienced great difficulties thus far on his advance from this cause, and it would be impossible to take even pack transportation across the rice swamps intervening between Malabon and the designated road to Dasmariñas. He therefore returned his artillery and small quartermaster's train by way of Old Cavite escorted by cavalry, and proceeded to Dasmariñas with his foot troops, they carrying on their persons their ammunition and rations. He encountered only a few fleeing insurgent detachments, and upon arrival at the designated point he was recalled to Bacoor, whence the troops comprising the column were sent to occupy the positions from which they had been drawn. The result of the expedition was a temporary thorough demoralization of the insurgents of the Cavite province, the capture of insurgent supplies and money, and the destruction of much contraband of war. Many prisoners were taken, but all were released except the more important officers. On October 13 General Schwan telegraphed from Bacoor the following:

If the amount of damage a campaign inflicts upon the enemy be true test of its success, I can claim a larger share for mine than is indicated in my previous official dispatches. For the facts appear to be that not less than 100 Filipinos, including large proportion of officers, were killed in the practically continuous engagements from the time we left Cavite Viejo until our entrance into Rosario, and in our combat on the Buena Vista road, in which Captain Geary was mortally wounded. The padre at Imus, a man of intelligence and concededly truthful, has informed the officers there that about 100 Filipinos, killed in the actions referred to, were buried in Rosario and other places near by, and General Grant now tells me that the burial party he sent to Butulan interred twenty odd bodies. I have it from several sources, each entitled to full credit, that the insurgents' military authorities have, within the past few days, sent 400 of their wounded south for treatment in the mountains. It is notorious that the enemy's losses are frequently overestimated, hence I determined to report actually ascertained facts only; but justice to my command compels me to communicate to you the reports of the gentlemen mentioned, whose correctness can hardly be challenged.

General Schwan's casualties in commissioned officers were Captains Cary and Saffold, Thirteenth Infantry, killed; Captain McGrath, Fourth Cavalry, wounded, and who subsequently died from the wound received; Lieutenant Fenton, Fifth Cavalry, slightly wounded. Twenty-two enlisted men were wounded, none seriously.

We were now assured that the insurgents south would maintain respectful distances from our outposts, and attention was given to the contemplated northern advance. General Wheaton had been ordered in from General MacArthur's front at Angeles to take command of the expedition which was to proceed by sea to San Fabian on the north coast of the island, and had been replaced by General Bates. On October 9 the following instructions were sent out:

MANILA, October 9, 1899.

General MACARTHUR, Angeles:

A portion of General Lawton's command, General Young with battalion Twenty-fourth Infantry and squadron Fourth Cavalry, move at once. Watch well country to your right and send down to San Fernando for service there and eastward that place the battalion Twenty-second Infantry now at Angeles.

BARRY.

MANILA, October 9, 1899.

General MACARTHUR, Angeles:

General Young will move north with a small force, leaving half of Lawton's troops in San Fernando. It would be well to send General Bates there to take temporary command of that whole section. General Schwan's movements in Cavite province will keep out troops intended for north for three or four days.

BARRY, A. G.

And General MacArthur replied:

ANGELES, October 9, 1899.

ADJUTANT-GENERAL, Malacañan:

In pursuance of telegraphic instructions just received from your office, I have prepared an order temporarily establishing the headquarters Second Brigade of this division at San Fernando, and directing the brigade commander, General Bates, to proceed to that place and take temporary command of that whole section, which General Bates instructed includes Mexico, San Fernando, Bacolor, Santa Rita, and Guagua, and all troops stationed thereat. Does this order conform to the wishes of the department commander?

MACARTHUR.

General Bates relieved General Young at San Fernando, and the latter, to whom the mounted and artillery companies of the Thirty-seventh Infantry and the two battalions of the Twenty-second Infantry had been ordered to report, advanced with the Twenty-fourth Infantry, the two companies of the Thirty-seventh Infantry, and a portion of the Fourth Cavalry on Arayat, which he captured with the loss of only one man (a private of the Twenty-fourth Infantry severely wounded), and drove the enemy back on the Magalang road, who, before retreating, fired the town, which was partially destroyed. Here the gunboat *Florida* and Ballance's Battalion of the Twenty-second Infantry joined the column; here the crossing of the troops and wagon transportation to the east bank of the river was to be effected, and for this purpose the flat boats had been constructed at Calumpit. The gunboats *Oeste*, *Florida*, and *Laguna de Bay* had been sent to Calumpit, the first two to tow the loaded cascoes up the river from that point and the latter for patrol duty. The first consignment of supplies left Calumpit for Arayat on October 13.

Upon the previous day extended reconnoissances had been made by the troops on the north Manila line and from the Pasig River. Major Cheatham with a battalion of his regiment (the Thirty-seventh Infantry) had proceeded from San Pedro Macati down the east shore of the Laguna de Bay to Muntinlupa. He drove out the enemy, which, assembling in force on the outskirts, awaited an opportunity to ambush his troops. Under the direction of a guide, who had offered his services gratuitously, a detachment of Cheatham's men were led into the brush, fired upon by a concealed enemy and 3 killed, the remainder escaping into the town. Major Cheatham had encountered much opposition on his advance and had about consumed his ammunition and rations. He succeeded in forwarding information of his condition into Pasig by the lake, from which the requisite supplies were immediately sent him. The next morning he brushed away the enemy from his front, proceeded westward, following trails unknown to him, and after marching a few miles turned to the right and entered Bacoor that evening. There was no more difficulty in that section of Cavite Province for several weeks, and the Spaniards who had taken service with the insurgents were ready to abandon the enterprise and accept transportation to Spain at the expense of the United States. On October 15 the commanding officer at Pasig telegraphed:

There is at present detained here First Lieut. Diego Morenillo y Pecon, who was an artificer of artillery in the Spanish army. Was captured in Santa Cruz by the Filipinos September 1, 1898. He was kept prisoner until forced by circumstances into the Filipino service, together with other Spaniards. He is now stationed at Santa Rosa, on the lake, and appears here as a delegate from Maj. Manuel Ruiz, in charge of artillery, who with other Spaniards desire to quit their present service and leave the country. He proposes to aid in the capture of Bifang, Santa Rosa, and Cabuyao, promising to arrange guns so that they will fire wild of American troops, and that the latter shall not fire at them. There are about 15 pieces of artillery of various kinds, including one Krupp 8-centimeter, rapid fire, and machine guns. His detailed proposition is given below. The reference to sentenced prisoners refers to Ruiz, who was confined for stabbing affray in September by American authorities. Pecon says four companies in cascos with a launch could take the three places mentioned. He says they are important places for the insurgents, who are supplied from there with provisions and money. He thinks early action should be taken or the pieces may be withdrawn to the hills. The insurgents have an arsenal at Lipa, where ammunition is prepared. He says they are well supplied. Will visit Taguig this afternoon, returning by 4, where orders may meet me. Receiving none, shall return to San Pedro. Pecon is accompanied by three Filipinos, who desire also, he states, to desert and return to Manila.

The proposition is as follows:

General OTIS, *Manila*:

We believe the prosecution of the present war between the Filipinos and the United States to be unhumanitarian and prejudicial for both countries.

1. Speaking for these men who are under my orders, I come to make you the following proposition:

PAR. 1. As soon as we come to a mutual understanding we will permit the free entry of American troops without resistance or bloodshed.

PAR. 2. We desire an indemnification for each man, including the soldiers, according to his grade and appointment.

PAR. 3. We desire documents from you that will guarantee our personal safety.

PAR. 4. We desire documentary statement from the American Government to the effect that our past connection with the revolution is forgotten and condoned, and in case one of our party should be sentenced for a past offense, committed under the American régime, that this sentence shall be condoned.

PAR. 5. Allow us free transportation, or the amount thereof, on account of the Government of the United States, to such foreign parts as we may select.

PAR. 6. Hand to us checks, or promises to pay, for the amounts that you, in accord with the Government, decide to pay us for indemnification; these checks to be

handed us before leaving Santa Rosa and considered as reward for delivering the pieces of artillery. And in case we do not come to an understanding, and we are obliged to defend ourselves because of the nonacceptance of this proposition, we state we are not responsible for any disasters which may consequently occur. The guarantees and explications which you may need in proof of this proposition can be obtained from the delegate, the bearer of this letter, who is authorized by us to close this proposition as soon as you and he reach an understanding.

Santa Rosa, 14th of October, 1899.

THE CHIEF OF ARTILLERY, *a Spaniard*.

No heed was given to this dispatch, and later in the day a telegram was received which indicated that the time to take action on the proposition had passed, even if we desired to entertain it. The information it contained was not true, for some, if not all, of the men reported to have been slaughtered have since arrived in Manila. The telegram is as follows:

CALAMBA, *October 15, 1899.*

ADJUTANT-GENERAL FIRST DIVISION:

While cruising down the lake at 8.30 overhauled a casco with two Spaniards, one a second lieutenant and one a sergeant in the insurgent army. They surrendered and asked that the casco be sent down to Santa Rosa to receive the rest of the garrison, which wished to surrender, with their arms and 6 field pieces. I towed the casco down to Santa Rosa, but everything looked deserted. I did not go closer than one-half mile from shore, fearing trap. One of the prisoners went in alone in a small boat to get natives to pole the casco in. I soon saw him return in hot haste. He reported that the insurgents had come up from Bifang and murdered the seven remaining Spanish officers. No shots were fired, and I returned to Calamba, turning the two prisoners and one Remington over to the Twenty-first Infantry.

LARSON, *Commanding Napindan.*

General Lawton left Manila for San Fernando on October 15 with instructions to push his advance on to San Isidro, leaving sufficient force along the river from Arayat north to protect his supplies, which were being transported by boat. His force was to consist of 3,500 men, to be attended by 40 escort wagons and such additional cart transportation as he might require, the same to be secured from the inhabitants. He was directed to seize upon Aliaga and Cabanatuan, both important strategic points, as soon as possible after he had secured possession of the Spanish post of San Isidro (a walled inclosure supplied with quarters, barracks, and storehouses), to reconnoiter the immediately surrounding country, and await instructions to govern any extended advance until information concerning the movements of the enemy could be obtained. On October 17 he telegraphed from Arayat that the ferry had been completed, that troops were crossing to the east bank of the river, and that an advance on Cabaio would be made that night.

In the meantime the insurgents were active in General MacArthur's sphere of operations. On October 15 the General telegraphed information which he had just received from Baliuag, where six companies of the Third Infantry, a troop of the Fourth Cavalry, and two pieces of artillery were stationed. The telegram was as follows:

ANGELES, *October 15, 1899.*

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Following received from commanding officer, Baliuag: "Outpost on east and north and west flank successively attacked at 9.30, 11.30, and 1.30 last night. No casualties on our side. Careful investigation by scouts and spies shows about 2,000 insurgents and four field guns in the vicinity of Baliuag; 1,200 more are expected, when a siege is promised."

Upon inquiry for further information in the premises, following was received from the commanding officer, Baliuag:

"I have no doubt about the accuracy of the information sent you to-day. It has been verified in several ways. The guns and carriages have been minutely described. Pio del Pilar has been seen in the vicinity. Total number reported to me was about 4,000, but all not being armed. I have not reported the unarmed. The natives are evacuating all around."

MACARTHUR.

And later in the day the commanding officer at Baliuag reported that he had a sufficient number of troops to hold his position. His estimate of numbers was greatly exaggerated, as at that time there could not have been more than 500 insurgents in front of or in the vicinity of Baliuag. On the following day he telegraphed that the insurgents in his front were disappearing and that part of Pilar's forces in the neighborhood of San Rafael had fallen back toward Maasin. On October 16 the following information was received from General MacArthur:

ANGELES, *October 16, 1899.*

ADJUTANT-GENERAL, *Manila:*

At 2 o'clock this morning an extensive demonstration was commenced by insurgents against this place. They appeared in detached bodies on the entire front, extending from the Porac road on the left around nearly to the railroad on the right—that is to say, on the arc of a circle about 225 degrees. They opened with artillery which they used freely in the early stages of the demonstration, and for the first time in this division injured men with projectiles, 3 men being thus hit. The subsistence storehouse was struck seven or eight times by cannon shot and shell. Fragments of projectiles recovered indicate that insurgents have, among others, a small gun using American-made ammunition exactly like that supplied our Hotchkiss revolving cannon. Part of a brass shell taken from a wounded man shows that it was made in Connecticut and compares exactly with Hotchkiss revolving ammunition which we have for the service of our gun. Is it possible a Hotchkiss revolving cannon was captured at Orani from the naval launch lost there? The insurgents withdrew before daylight, thus preventing any offensive action on our part. The affair was prearranged undoubtedly, and elaborately prepared, and its general features much like the event of June 16 at San Fernando. Our casualties were 1 enlisted man mortally wounded who died on the field; Acting-Surgeon Stafford and 8 soldiers wounded, 2 of the latter severely. As the entire transaction was in the dark, it is impossible to estimate the enemy's force and loss. Our fire discipline was good, however, and there must have been some corresponding result. The force employed by the insurgents must have been considerable, as the demonstration was to a great extent simultaneous, and extended over a front of several miles.

While these things were going on at Angeles, a very feeble demonstration was made against the battalion at Calulut. I attach no special significance to the transaction, and suppose similar affairs will occur from time to time until we are prepared to make a general advance.

MACARTHUR.

On October 17 the General telegraphed from Angeles:

Following received from General Bates: "Colonel Bell, leaving small garrison at Bacolor, Santa Rita, and Guagua, moved out about 8 p. m. yesterday with balance of regiment, about 600 strong, attempted surprise of insurgents at Porac and vicinity. They got wind of his coming and fled. At 4 this morning, with part of his force, he struck two companies of insurgents, killing 2, capturing 13 prisoners and 15 guns. Bell's casualties were, killed, Private Willard Winters, Company H; wounded, Private Samuel Williams, Company M. Williams and body of Winters have been forwarded to Manila on afternoon train. The officers and men of the Thirty-sixth appear to have shown great gallantry. Captain Smiley and Lieutenant Cowen of my staff were with Colonel Bell. Colonel Bell appears to have been back at Bacolor about 6 p. m. to-day."

On the 22d the following was received:

ANGELES, *October 22, 1899.*

ADJUTANT-GENERAL DEPARTMENT PACIFIC:

A successful scout, made by Lieutenant Ferguson, Thirty-sixth Infantry Volunteers, is reported as follows: "Went to Lubao by way of Sesmoan. Very bad road. Had to use bancas to cross two streams, swimming horses at junction of Florida Blanca,

and here, on Hermosa road, in exactly same place as fight of other day, met about 75 insurgents. Killed 2, captured 3, 5 guns. Returned on main road. At Santo Tomas, half mile this side Lubao, near road leading to San Roque, insurgents attempted to ambush us. We killed 4, captured 5; captured 5 guns. Home in safety at 6.30 p. m. Total for to-day, 8 prisoners, 10 guns, 7 single-shot Mausers or Amberg, 3 Remingtons; 6 insurgents killed. No casualties on our side." Lieutenant Ferguson had 20 men in his detachment.

MACARTHUR.

Lawton's column had now taken up the advance north from Arayat. It had been joined by the two squadrons of the Third Cavalry and two companies Macabebe scouts. The Thirty-fourth Infantry and an additional troop of the Fourth Cavalry would soon be en route to join. The advance was conducted by General Young in person, and on October 18 General Lawton telegraphed as follows:

ARAYAT, October 18, 1899.

General SCHWAN, Manila:

The following just received from General Young: "Batson with his scouts left here (Arayat) at 12 o'clock last night. Struck two companies of insurgents in trenches at San Mateo at daylight this a. m. Attacked in front and flank. He drove the enemy from the trenches, pursued them vigorously until they were thoroughly dispersed and demoralized. Several of the enemy killed; 25 prisoners, including captain and lieutenant; captured a few arms. My loss, 1 man killed. Prisoners say no soldiers at Cabiao. About 400 at San Isidro. Captain Ballance with his battalion is well up in support of Batson." I will arrive at Cabiao with most of my force to-morrow a. m.

LAWTON.

CABIAO, October 19, 1899.

General SCHWAN:

The following received from General Young: "Command marched from Cabiao at 8.30 a. m. Encountered the heaviest resistance at stream near San Fernando, where the enemy had torn up the bridge. Arrived San Isidro about 1.30 p. m. Casualties, 1 killed, 3 wounded, all of Twenty-second Infantry. Can not get names until Ballance returns from Gapan. General Pio del Pilar commanded the troops, coming in from San Miguel last night. The larger force of enemy retreated up river with Pilar. One Spanish prisoner and 15 insurrectos captured to-day. Do not know enemy's loss. The people in this town seem to be very friendly."

LAWTON, Major-General.

On October 22 inquiry was made of General Lawton for the particulars of the situation, informing him that the entire Thirty-fourth Infantry, and sufficient mules and wagons to increase the number of his escort wagons to 40, would be sent him on or before the 25th instant. The following telegraphic correspondence extending over a period of several days is probably the best presentation of the operations of this northern column during the period which can be given. It is quite lengthy, but furnishes very full information of occurrences. The telegrams are herein recorded in order of dates.

CABIAO, October 22, 1899.

General SCHWAN,
Chief of Staff, Manila:

Yours of to-day just received. The situation is simply one of transportation. The river is dead low. About the same as when I was here in May and the prospect is that there will be no more high water, at least only temporary rises. The launches drawing 4 feet or less will give me all I require, otherwise I must have 100 or more bull teams to haul from below Cabiao to San Isidro. I am sure that the launches and something that can float and tow a casco can be had. I will send my chief quartermaster to Manila to secure them. Even the small launches from the transports might do, but the large launches can work only on the lower river. There is

no enemy of consequence in this vicinity. I shall not break down and wear out my mule transportation hauling my supplies up river. I will need them to follow and supply column. As soon as I have ten days' supplies ahead at San Isidro, I shall occupy Aliaga and Cabanatuan simultaneously.

LAWTON.

MANILA, October 22, 1899.

General LAWTON, *Cabiao*:

Hire all necessary bull and other teams which you may be able to obtain to assist transporting your supplies. *Laguna de Bay*, now at Calumpit, has turned launch and coal cascoes over to Major Brooke. Franklin has been directed to meet any demonstration enemy may make on river between Calumpit and Arayat, and he has been informed that he can assist you in towing cascoes to vicinity of last-named place. Inquiry being made here for very light draft launches, as yet without success.

SCHWAN, *Chief of Staff*.

SAN ISIDRO, October 22, 1899.

General SCHWAN:

Following from Cabiao: "Following note just received by courier: 'Sergeant Harris, in charge of *Oceania*, was fired upon at mouth of Rio Chico. Major Howard killed outright, W. P. Chambers wounded right arm, J. W. Dean shot through body. (Signed) Dorrington, Lieutenant, Thirty-fourth Infantry.' Have sent ambulance with surgeon and detail of 20 men to place where boat landed, about 2 miles below the lower landing. Courier reports Lieutenant Lincoln, with Company A, is guarding body of Major Howard, which, with wounded men, will be brought here. (Signed) Keller, Commanding."

LAWTON.

MANILA, October 23, 1899.

Major-General LAWTON, *San Isidro*:

Three light-draft launches will probably be started Thursday morning up Rio Grande from its mouth.

SCHWAN.

MANILA, October 23, 1899.

Major-General LAWTON, *San Isidro*:

Arrangements are being made for supplying you at once with two additional light-draft launches.

SCHWAN, *Chief of Staff*.

MANILA, October 23, 1899.

Lieutenant FRANKLIN,

Commanding Laguna de Bay, Arayat:

You are authorized to go above Arayat for purpose mentioned in your telegram, taking, however, no unnecessary risks, as important tasks will devolve on your vessel.

SCHWAN, *Chief of Staff*.

SAN ISIDRO, October 24, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Raining lightly, but steadily. River rising slowly. Our spirits likewise. Roads bad on account of rain. Brooke left Arayat this a. m. with the *Oeste* and *Neuva*, and towing two cascoes. Two days' rations on hand for troops now here. Have stopped everything back pending accumulation of small surplus here. River patrolled from Arayat to this point. Detachments at San Antonio, Cabiao, crossing of Tarlac road 4 miles below Cabiao, and mouth Rio Chico Pampanga. Reconnaissance to Santa Rosa yesterday developed insurgent outposts only. Movement forward arranged to start to-night suspended on account of nonarrival of supplies. Ferryboat towed up river by men arrived last night. Am bridging small river east called Rio Chico. Bridges destroyed on road leading north. Engineer detachment

Not strong enough; good men overworked to accompany column. Am organizing Pioneer detachments of Macabebes, who work well and are reliable. Bought 14 good ponies last night, \$65 (Mexican) each. Shall buy pack ponies for scouts and cavalry when I can get them. Quartermaster should be prepared to issue pack saddles, Spanish pattern, when called upon. Have ordered no more hay shipped. Plenty of good forage obtainable. Must have supply train of bull carts. Plenty of bulls here, but no carts. Send carts and drivers. Hurry light-draft launches. The above is in reply to yours of this morning.

LAWTON, *Major-General.*

MANILA, October 24, 1899.

Major-General LAWTON, *San Isidro:*

Commanding general Second Division has been directed to turn over to Major Knight, about to join you as chief quartermaster, some 40 Spanish pack saddles, for which it is understood that division has no particular use. The question of supplying you additional pack saddles will receive immediate attention. You have full authority to hire bulls and bull carts in such numbers as you may require. Captain Perry reports that bull carts may be hired in almost any number at San Fernando. Major Knight could carry out any instructions in regard to the procurement of carts you might send him at San Fernando. In order to expedite the getting of an adequate number of such carts, I suggest that you instruct the commanding officer Troop G, Fourth Cavalry, to post notices of number of carts that are desired by Major Knight.

SCHWAN, *Chief of Staff.*

MANILA, October 25, 1899.

Major-General LAWTON, *San Isidro:*

Thirty-two engineer soldiers will leave with Thirty fourth Infantry at 10.30 Thursday morning to reenforce Lieutenant Oakes's detachment now with you.

SCHWAN, *Chief of Staff.*

MANILA, October 25, 1899.

General LAWTON, *San Isidro:*

The launches *Aggie*, *Albany*, and *Trilby* leave for mouth of Rio Grande River to-night. Send gunboat there to convoy them; gunboat should be there at 6 o'clock to-morrow morning.

SCHWAN, *Chief of Staff.*

SAN ISIDRO, October 25, 1899.

General SCHWAN, *Chief of Staff:*

Every thing quiet. Rains over. Roads impassable. River has risen some 8 or 10 feet. Is bank-full. Small streams high and unfordable. Brooke came through with launch last night, but did not bring casco. None have come through yet. I would be pleased if the general would place Franklin in charge of river transportation. With his experience in such matters the forwarding of supplies might be facilitated.

LAWTON, *Major-General.*

MANILA, October 25, 1899.

Major-General LAWTON, *San Isidro:*

Franklin has orders to assist your troops in every way. He will be left with you for about a week, when his vessel will be given other important work. The general regrets he can not assign him permanently to the duty you suggest for him.

SCHWAN, *Chief of Staff.*

SAN ISIDRO, October 26, 1899.

General SCHWAN, *Palace:*

River has fallen 8 feet. *Oeste* just arrived with one casco. Three light-draft launches not yet arrived at Calumpit. Young under orders for Cabanatuan to-morrow. Can not move if rain falls. Reconnaissance toward San Miguel this morning. Otherwise no change and all quiet.

LAWTON, *Major-General.*

MANILA, October 26, 1899.

Major-General LAWTON, *San Isidro*:

Department commander felt constrained yesterday afternoon, much against his inclination, to detain one battalion Kennon's regiment for temporary service at San Pedro Macati, most of the troops at which have been sent to reenforce the garrison at Los Baños, where Colonel Kline represents situation as critical. The detention of this battalion will be short. The other two battalions go forward to San Fernando this morning.

SCHWAN, *Chief of Staff*.

SAN ISIDRO, October 27, 1899.

General SCHWAN, *Chief of Staff*:

The following just received: "At Taboatin River, 3 p. m., October 27, 1899.—To Major-General Lawton: Found the enemy strongly intrenched behind the Taboatin River. After a brisk little fight drove him out, with a loss to us of 1 killed and 2 wounded. The new Hotchkiss ammunition is a failure. The Taboatin River is about double the width and twice the depth in both banks of the Tanbi River. Chase crossed a mile up with great difficulty, and the battery is now crossing one gun at a time on rafts hastily constructed at this point. The *Laguna de Bay* rendered me very great assistance. I send this by my aid, Lieutenant Smedburg, who can explain everything to you in person. It is now 3 p. m., and I have heard nothing of the Fourth Cavalry. Lieutenant Smedburg will direct the train to camp on the road off Dangu, on the opposite side of the river from the enemy's sharpshooters, and where plenty of green rice can be had for the animals. It will take two days to construct a bridge here. The road otherwise is good. Enemy's force reported to be 1,000. Do not think they have nearly so many. (Signed) Young, brigadier-general."

LAWTON, *Major-General*.

SAN ISIDRO, October 27, 1899.

General SCHWAN, *Chief of Staff*:

Have just returned with General Lawton from Young's front on Taboatin River. Bridge gone. Infantry and scouts across and well advanced toward Santa Rosa. Bridge being built for crossing transportation. No material resistance thus far.

THOMPSON.

SAN ISIDRO, October 28, 1899.

General SCHWAN, *Chief of Staff, Palace*:

Launch *Florida*, which draws 7 feet of water, and can not run on upper river, was stationed to tow two cascoes from Calumpit to Arayat, and other launches are stationed above Arayat to tow cascoes from Arayat to this place. Complying with your order, *Florida* was sent to mouth of river three days ago, since which time nothing has been heard of her. This delay is seriously interfering with accumulation of supplies here. I have but eight days' surplus, and my command is strung along the road from Manila to this place because I can not subsist them here. Can not the *Florida* be returned and escort for the launches coming from Manila be sent with them from that place? Nothing of importance developed this morning. Batson with two companies Macabebes goes up right or west bank Pampanga River to report to Young and operate on that side of river.

LAWTON, *Major-General*.

MANILA, October 28, 1899.

General LAWTON, *San Isidro*:

Launch *Florida* found and directed to return to Calumpit; could not pass bar at mouth of river, nor could the three light-draft launches sent from here cross, as there is less than 3 feet of water on bar. No improvement expected for at least a week. Quartermaster will send 50 carts at once and others as soon as they can be found. All your requests attended to promptly and filled as far as possible. Last

battalion Thirty-fourth Volunteers will be sent up to San Fernando as soon as it can reach railroad station. Very necessary that you should look carefully to supplying your command before advance continued.

BARRY, A. G.

SAN ISIDRO, October 28, 1899.

General SCHWAN, *Palace:*

Following just received: "Santa Rosa, October 28, 1899.—The enemy's forces scattered toward the mountains yesterday. Chase captured half-finished trenches on opposite bank of Arraya beyond this town and the tools in them. His men occupied the trenches last night, leaving horses on this side. Enemy came back in small force to get tools, but were driven off. I have ordered Hayes to send me a full squadron with three days' rations. This squadron should swim and ford. Horses are played out on reaching here by way of rice fields. If a casco can come up with food it will save much labor and anxiety. When the Fourth Cavalry squadron comes up I will push on to Cabanatuan. The men with me were pushed rather hard yesterday through rice paddies. Many fell from heat exhaustion. Battery came in last night. Scott deserves great credit for getting it over. (Signed) Young, Brigadier General."

LAWTON, *Major-General.*

SAN ISIDRO, October 28, 1899.

General SCHWAN:

Report that force of 2,000 has left Tarlac to reenforce Cabanatuan. Think it more likely that the place is being evacuated. Have wired Young, however, and will send Third Cavalry forward, also Dorrington's scouts.

LAWTON, *Major-General.*

SAN ISIDRO, October 28, 1899.

General SCHWAN, *Chief of Staff:*

The following just received: "Santa Rosa Ford, October 28, 1899.—To Adjutant-General, First Division: A paper found here dated Cabanatuan, October 20, signed Fortunato Jiminez, Captain Commanding, gives the names of American prisoners held here, named: C. D. Bard, C. L. Davis, T. Hayes and C. Baker. It is a very great assistance to me. Have Batson's two companies on west bank as ordered. I would like very much to have Dorrington's scouts. The temporary bamboo bridge at Arroyo, just north of this point will serve to pass the infantry, the mountain guns, and the cavalry. There seems to be enough lumber in the remains of the old bridge to make a new bridge for wagons a short distance below the site of the old one. I need tools and engineers to have this bridge made simultaneously with the one over the Taboatin. The agent of Warner Barnes & Co., at Lahuente, opposite Santa Rosa, has furnished us nine dressed small sheep, some chickens, and rice. A casco belonging to the insurgents has just been brought in from up the river. It contains coils of large rope, railroad iron, and bridge timbers. I am sending it down to San Isidro, after taking out what may be necessary for the bridge across the Taboatin. I have but two bancas here, which are necessary to bring across the river the supplies purchased aforementioned. These will be necessary to bring over the unhulled rice for the Third Cavalry on their arrival here. Please instruct officers to give proper receipts for supplies taken from this firm. I expect to get two days' rations across Taboatin on raft this evening, and to proceed to-morrow morning with battalion Twenty-second and squadron Third Cavalry to Cabanatuan, trusting to Colonel Hayes with squadron Fourth and engineers to follow me with supplies. Colonel Hayes furnished rations. (Signed) Young, Brigadier-General."

LAWTON, *Major-General.*

MANILA, October 29, 1899.

General LAWTON, *San Isidro:*

The following from General MacArthur: "Reported by Spanish refugee Aguinaldo preparing to leave Tarlac for Bayombang, his furniture being moved at night to avoid observation. Probably this has connection with the reported movement of

troops going north from Tarlac. The refugee also says that it is currently believed that Aguinaldo contemplates a further flight to Bayombong in the province of Nueva Vizcaya."

BARRY, A. G.

SAN ISIDRO, October 29, 1899.

General SCHWAN, *Chief of Staff*:

The following just received: "Thanks for your kind message. If Aguinaldo with 2,000 men has come to meet us at Cabanatuan, it must be with a view to escaping south, otherwise he is playing into our game, instead of moving as contemplated in my dispatch of yesterday. I sent reconnoitering party up both banks to Samacat on east bank, and opposite west bank. All force that can operate will be detailed to getting our regular supplies to this point to-day. River at Samacat reported wide and deep with middle span of bridge destroyed. Lieutenant-Colonel Wilder of my staff goes with reconnoissance to examine bridge and ford. Have heard nothing from Batson on opposite bank. Casco started down yesterday. Broke rudder. Went aground near gunboat. Have sent Smedburg to remedy matters. Men and officers are delighted with emergency rations, except the tea tablets, which should contain more sugar. I would like to have 35,000 emergency rations before leaving. (Signed) Young, Brigadier-General." I would like to have 50,000 emergency rations shipped at once, which would give me only about ten days' supply.

LAWTON, *Major-General*.

MANILA, October 29, 1899.

General LAWTON, *San Isidro*:

Of the 100,000 emergency rations asked for only 25,000 have been received, of which 12,000 sent to the Third and Fourth regiments of cavalry and Twenty-second and Twenty-fourth Infantry. Only 4,000 remaining in depot. They will be sent to you to-morrow morning.

BARRY, A. G.

MANILA, October 29, 1899.

General LAWTON, *San Isidro*:

Smallest of three launches, *Tribby*, drawing 3 feet, got over bar last night, and should be with *Florida* soon at Calumpit. Other two launches could not pass bar, and have returned to Manila. Battalion Thirty-fourth Infantry leaves for San Fernando to-morrow morning. Twenty-seven carts forwarded, 15 go to-morrow, and remainder of 60 go on Wednesday.

BARRY, A. G.

SAN ISIDRO, October 30, 1899.

General SCHWAN, *Chief of Staff, Malacanan*:

The following just received: "Santa Rosa, October 30, 1899.—Major-General Lawton: Infantry scouts of Ballance's battalion, supported by one company, occupied Cabanatuan at 8 this morning. Ballance leaves at once with two companies, leaving here with train. One ferryboat and three bancas have been seized and are guarded. Road to Aliaga impassable for wagons. Parker reports river not fordable at San José. Hayes has crossed two troops on foot, and in company with Bateson will examine two or three reported fords toward Aliaga. Crossing of mule teams at Taboatin delayed. I have two staff officers there, and expect full details shortly. Rations casco not in sight. Road reported good to Cabanatuan, but beyond that in any direction impassable for wagons. Wire reported intact to Cabanatuan. Russell goes over it this p. m. Great joy at Cabanatuan at seeing our soldiers. Many cries: 'Viva Americano.' (Signed) Young."

LAWTON, *Major-General*.

SAN ISIDRO, October 30, 1899.

General SCHWAN, *Chief of Staff, Malacanan:*

The following just received: "Santa Rosa, October 30, 1899.—Major-General Lawton: Have ordered Lieutenant-Colonel Hayes with Augur's squadron to occupy Talavera to-morrow, taking three days' rations in saddle pockets. Lieutenant-Colonel Parker with troops of Morton's squadron and Macabebe scouts to occupy Aliaga, one company Twenty-second Infantry to reconnoiter the road toward Bongabong. Dorrington to march to Cabanatuan and thence early the following morning to Aliaga. The cargo to be unloaded and rations to be conveyed in bulk in carts to Cabanatuan, a distance of 6 miles. (Signed) Young, Brigadier-General."

LAWTON, *Major-General.*

SAN ISIDRO, October 31, 1899.

General SCHWAN, *Chief of Staff, Manila:*

The following just received: "Report the capture of large insurrecto storehouse holding corn, rice, and sugar in large quantities; also about 40 bull carts, but no bulls, located near crossing of Lombo. (Signed) Castner."

LAWTON, *Major-General.*

SAN ISIDRO, October 31, 1899.

General SCHWAN, *Chief of Staff, Manila:*

Following received: "Cabanatuan, October 31, 1899.—Dispatch received from Parker, dated Aliaga, 4.10. Arrived 2.10 p. m. Impossible for carts to go over roads. No resistance. Batson rode ahead and captured telegraph operator with all dispatches and instruments. Operator says 600 men expected in from Tarlac. Will scout toward Santa Rosa, also toward Tarlac to examine roads to-morrow. Messages captured were addressed to president of republic, Tarlac, and signed by Colonel Pulilla. (Signed) Young, Brigadier-General."

LAWTON, *Major-General.*

SAN ISIDRO, October 31, 1899.

General SCHWAN:

Following just received: "Cabanatuan, October 31, 1899.—The company of infantry that left at 6.45 this morning to reconnoiter on the road to Bongabong returned at 4 this p. m. They proceeded within a mile of Cabo. A party of unarmed insurgents were seen taking down wire and insulators and cutting down poles. There is no information obtained that insurgents occupy Bongabong. Lieutenant Ripley, commanding reconnoissance, deserves great credit for his work. (Signed) Young."

LAWTON.

MANILA, October 31, 1899.

GENERAL LAWTON, *San Isidro:*

The most important objective Carranglan, little east of north of Cabanatuan moving by Talavera and San Jose, or by eastern road, whichever best. Aliaga not important now, except for observation and for protection of column moving north. Other column by water, under Wheaton, will close only western mountain route. Should you fail to comprehend, wire for more detailed explanation. Have you cipher code?

SCHWAN, *Chief of Staff.*

SAN ISIDRO, October 31, 1899.

GENERAL SCHWAN, *Chief of Staff, Manila:*

Message received this a. m. and fully understood. The route indicated is the one had in view by me. The unimportance of Aliaga has been understood since my arrival here. Only a scout or patrol is being sent there. I have no cipher code and am rather glad of it. I want maps of the country along the line contemplated.

LAWTON, *Major-General.*

MANILA, October 31, 1899.

GENERAL LAWTON, *San Isidro*:

The following issued by Aguinaldo October 5: "In view of the fact that Tarlac does not possess the hygienic and geographic conditions befitting it for the numerous population of the capital of the republic of the Philippines, the honorable president of the republic and his council of government has been pleased to order that the capital of the republic be moved provisionally to Bayombong, the capital of Nueva Vizcaya."

The following information is furnished you: From Cabanatuan to San Jose by way of Talavera road in dry season considered good. From San Jose to Aritao by way of Carranglan, no road, but very poor trail. There is a trail from San Nicolás north of east of Carranglan to Aritao, very poor.

SCHWAN, *Chief of Staff*.

SAN ISIDRO, October 31, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Message concerning sanitary condition of Tarlac received. Information of insurgent government movement in direction indicated received from reliable sources when we arrived here. A week's supplies and transportation is all that prevents us pushing forward at once. Referring to maps mailed me, I fear that they will not reach me by mail. Should be sent to Major Lee at Calumpit to be forwarded.

LAWTON.

MANILA, October 31, 1899.

Major-General LAWTON, *San Isidro*:

Launches *Albany* and *Aggie* are about to proceed to Calumpit escorted by 7 riflemen each. Crews are Macabebes.

SCHWAN, *Chief of Staff*.

AN ISIDRO, October 31, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Following received: "Cabal, October 31, 1899.—Dispatch just received from Colonel Hayes. He had great difficulty in getting over road. Arrived about 4.30 p. m. After feeling his way with dismounted skirmishers, charged the town mounted. Enemy retreated toward Santo Domingo, which seemed to be in accordance with orders from Colonel Padilla, whose written instructions were captured, also 2 small brass cannon, a quantity of powder, loading tools, etc., 720 Hotchkiss shells for 1.65 mountain gun, 5,000 or more Mauser rifle shells, and a box with about 40,000, also 1 Mauser and 65 sacks St. Louis, United States, flour. Enemy's force estimated at 150. No casualties. (Signed) Young, brigadier-general."

LAWTON.

SAN ISIDRO, November 1, 1899.

General OTIS, *Manila*:

About the 5th I hope to have sufficient transportation and supplies accumulated to enable me to organize a column of about 3,000, mostly cavalry and scouts, supplied as follows: One hundred rounds of ammunition per man on person, 100 on company transportation. Five days' rations, bread, meat, sugar, coffee, salt, issued to companies. Supply train, 30 wagons, 4 mules, carrying 300,000 reserve ammunition and 60,000 rations, hard bread and bacon; 120,000 rations sugar, coffee, and salt. Also another supply train of carts, carrying the same amount of rations, but no ammunition. This will give me 300 rounds of ammunition per man, full rations of sugar, coffee, and salt for forty-five days, and a little more than half rations bread and meat for same period. Wood cases will be removed from bread, bacon, and coffee, reducing weight 33 per cent. Will move as rapidly as possible for Bayombong. Must doubtless look for next communication and supplies up Cagayan River. My command has been regularly organized; see Division General Order, 44. Young assigned to cavalry brigade. I retain immediate control of all scouts. My infantry should follow and support me. I will, of course, be fully occupied with the advance, etc.

LAWTON, *Major-General*.

MANILA, November 2, 1899.

General LAWTON, *San Isidro*:

Not intended that your advance shall be beyond San Jose, and, at the farthest, Carranglan. This advance will close trail over divide to Bayonbong. The road from Balog to San Jose considered practicable for wagons in dry season; that from Carranglan to Aritao impracticable for wagons at any season of the year. By blocking northern road at Carranglan with cavalry and operating with your troops westward from San Isidro and Cabanatuan you will perform the most efficient service. MacArthur moves very shortly and the west coast road north from Dagupan will soon be blocked. Your indicated advance to Bayonbong and beyond, even if you could take through wagon transportation—which you can not—would serve no purpose at this time. Please forward to San Isidro all the supplies you can, in the meantime operating in the direction of San Jose and guarding well your left flank. Will write you full particulars at once. It is the intention to give you full liberty of action within the section of country which will be designated as the field of your operations

OTIS.

SAN ISIDRO, November 2, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The following just received: "Cabanatuan, November 2, 11.02 a. m.—Major-General Lawton: The following list of property captured by Hayes, commanding, Talavera: Six hundred pounds small-arm shells, Mauser, Springfield, and Remington; 720 shells, loaded, for 1.65 H. M. R.; 200 empty shells for same; 800 pounds of projectiles for same; incomplete set of reloading tools for same; 24 muskets, flintlocks, unserviceable; 14 barrels and stocks for rifles, muzzle loading, etc.; 10 pounds gunpowder, native, poor quality; 13 small brass howitzers, very old, 14 and 2 inch barrel; 28 gas-pipe cannon, covered with wooden tubes and wound with wire; 3 cases of canister for 6-inch gun, very old; 6 pounds of caps for H. M. R.; 10 hand bombs, 1½ inches in diameter; 72 sacks of flour, partly eaten by weaver, from Portland, Oreg.; one library, with some 300 volumes, carried away from Cabanatuan (historic and scientific); carromatos and several ponies. At Santo Domingo, by Lieutenant Davis: Fifty thousand small-arm shells, which he dumped in the river; also some H. M. R. ammunition, Mauser and Remington shells; handsome and valuable vase; 100 framed pictures of Aguinaldo. Hayes reports conditions as follows: 'Road to Hacienda del Valle not bad; two roads leading to San Jose, one by Santo Domingo reported fair, the other more direct, passing through Calipahan and Balog. Four Spanish prisoners brought in by Lieutenant Davis from Santo Domingo, where he found a hospital containing 8 insurgents, 4 sick with fever and 4 severely wounded in Santa Rita fight, 2 having each lost a leg. Plenty of rice grass, but no grain. Rice all carried off by insurgents. Consider San Jose as a sort of depot for insurgent forces, with much material taken from arsenal at Cabanatuan. (Signed) Hayes.' The Spanish prisoners now en route to San Isidro with train. Four other Spanish prisoners found a short distance up the river, 3 of them too weak to walk. Have sent out for them. Will try and get half rations for five days to Hayes to-night. Hayes is very anxious to push on to San Jose. If you do not object, I will send Dorrington's scouts to follow him up and Castner's to occupy Talavera. The position of San Jose seems to be of much importance to us. Rivers and Chase got off early this morning for Bongabong. I do not expect to hear from them until to-morrow evening. (Signed) Young, brigadier-general."

LAWTON, *Major-General*.

SAN ISIDRO, November 2, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The following just received: "Cabanatuan, November 7, 1899—4.47 p. m.—General Lawton: The following just received from Parker at Aliaga: 'Town rapidly filling with inhabitants. Many hostiles at Barrio Santa Maria, on road to Licap. Intrenching against advance at Victoria. Will return to Cabanatuan on 4th unless it rains. In that case will return at once. Roads to Licap and Casanova impassable. Batson out to-day toward Saragossa. Horses in bad shape, but have plenty of forage and improving. 11.35 a. m.—Just received the inclosed. Will proceed at once to scene of fight. (Signed) Parker.' The following is inclosed: 'Encountered insurgents in ambush between Santiago and Saragossa. Lieutenant Boutelle killed; 1 private wounded. Charged and drove insurgents from position, dispersing them, and killing 7. Await your orders here. (Signed) Batson.' (Signed) Young."

LAWTON, *Major-General*.

SAN ISIDRO, November 3, 1899.

SCHWAN: The following just received: "Cabanatuan, November 3—filed 4 p. m.—General Lawton: Chase has returned from Bongabong. He reports the destruction 300 pounds black powder, 100 pounds hexagonal powder and percussion caps, made in Germany; 3 boxes hand grenades; the complete telegraph office, batteries and instruments, and telegraph material, 3 keys and recorders; also quantity niter. Captured 1 Mauser, 5 Remingtons in good condition; 35 rounds Remington ammunition destroyed, and 84 Mauser. Brought in 8 ponies, 1 with saddle and bridle; bad condition road prevented bringing in 3 captured bull carts and bulls. Two Filipino flags were captured and many letters and telegrams; also the roll of the company occupying the town, 50 in all. One dead insurgent buried by our troops. No casualties on our side. Was obliged to swim river to get in town. Young, brigadier-general."

LAWTON, Major-General.

SAN ISIDRO, November 3, 1899.

General SCHWAN, Chief of Staff, Malacañan:

The following just received: "Cabanatuan, November 3, 1899.—To General Lawton: Following reported as found by Captain Cameron, taken from Talavera and abandoned about a mile and a half from Califan on road to Valle. About 800 new Mauser shells and bullets; 2 large caps, sets stocks and dies, 4 bench vises, 1 lathe, complete; all kinds forge and machinist tools, wood and metal bits; in cases, coils of wire, copper, brass and iron; sulphur, powder; 1 breech-mechanism 6-inch gun, Krupp; 1 ammunition cart, having 6 shells, chests new and with excellent workmanship; plugs, fuses, revolvers; 5 Springfield rifles and a large quantity of lead, sheet copper, and old shells, similar to those left in town; 2 large boxes not yet examined. Value of whole, roughly estimated, \$1,500. Route taken by Cameron, Talavera to Califan to Valle, reported by him practicable and excellent for cavalry. Ford good and belly deep. Cameron scouting beyond Valle to-day. Thirteen wounded and 3 sick insurgents at St. Domingo Hospital; 3 wounded found hidden in vicinity. Hayes sent medical attendance and what food he could spare. Fourteen additional reported mile and half up river, abandoned by their people and left to starve. Undoubtedly result of their scare at cavalry charging into town. No firing heard at this point. Firing heard reported to be from Santa Rita. Have you any information about it? (Signed) Young, Brigadier-General."

LAWTON, Major-General.

MANILA, November 3, 1899.

Major-General LAWTON, San Isidro:

It is the corps commander's present intention to let General MacArthur keep open your line of communication to San Isidro. A regiment will soon be placed at his disposal for that purpose and posted at Arayat, Cabiao, and possibly other points.

SCHWAN, Chief of Staff.

MANILA, November 3, 1899.

General LAWTON, San Isidro:

Letter by courier this morning. Wheaton leaves for north 6th instant. Reported that Aguinaldo is moving property to Tayug, which place is northwest of San José and short distance south of San Nicolás. It is reported that there is a practicable road for wagons from Rosario to Aritao; the road leaving Rosario proceeds southeasterly to vicinity of San Nicolás; thence proceeds northeasterly to Aritao. This is the only wagon road by which Bayonbong can be reached.

SCHWAN, Chief of Staff.

MANILA, November 3, 1899.

Major-General LAWTON, San Isidro:

Launches *Aggie* and *Albany* reached Calumpit last night. In addition there are in Rio Grande launches *Trilby*, *Oceania*, also gunboats *Florida*, *Oeste*, and *Laguna de Bay*. Please designate one launch to be placed at the disposal of General MacArthur for supplying San Luis and Candaba. Later on same launch may be able to supply Arayat as well.

SCHWAN, Chief of Staff.

MALACANAN, November 4, 1899—10:17 p. m.

General LAWTON:

The chief commissary has been directed to work his force all night, if necessary, that your supplies be forwarded in morning. Supposed that 80,000 complete field rations were sent to Calumpit last week. Three months' supply of rations at least for 4,000 men should be put in at the San Isidro military post and a good deal of forage. The November rains will give you plenty of water.

OTIS.

SAN ISIDRO, November 4, 1899.

CHIEF OF STAFF, Manila:

Everything water-bound. Bridges constructed by our engineers washed out. Young's advance will be delayed until water falls. Rise had not reached *Laguna* two hours ago, and she was not afloat.

LAWTON.

MANILA, Sunday, November 5, 1899.

General LAWTON, *San Isidro*:

There has been forwarded to Calumpit 70,000 travel rations, 40,000 native rations, and 290,000 field rations, making all complete 400,000 rations. Twenty-five carloads of rations left for Calumpit at 7.30 this morning. This shipment, when completed, will comprise 100,000 full rations. These 500,000 rations would appear to be sufficient for all purposes in the section where you are now operating. MacArthur took up his advance at 6 o'clock this morning. Wheaton leaves to-morrow morning.

BARRY.

MANILA, November 6, 1899.

General LAWTON, *San Isidro*:

General MacArthur took Magalang yesterday and cleared the country between that point and Arayat. Thinks he encountered about 1,000 of the enemy. Their loss about 150 killed and wounded. Our casualties 12 wounded. Enemy not putting up very strong opposition. Not considered very strong in MacArthur's front. How are you succeeding in getting up supplies? Wheaton's command left for Lingayen Gulf this morning.

SCHWAN, *Chief of Staff*.

SAN ISIDRO, November 5 and 6, 1899.

CHIEF OF STAFF:

When will troops be sent to relieve Twenty-second at Arayat and Twenty-fourth at Cabiao and this place? I shall desire to move some of them up in forty-eight hours. Thirty-fourth go to Cabanatuan and Aliaga. I shall take Taylor's battery to Cabanatuan. None will be required here. Rain has set in again to-night. I shall go to the front to-morrow if it is possible to get through.

LAWTON, *Major-General*.

MANILA, November 6, 1899.

Major-General LAWTON, *San Isidro*:

Thirty-fifth Infantry, intended for service along your line of communication, which left San Francisco October 4, not yet arrived. Will see what can be done to make available for duty at the front those of your troops now at Arayat and Cabiao. It was understood that you meant to hold Isidro with two battalions Twenty-fourth Infantry.

SCHWAN, *Chief of Staff*.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF, Manila:

I am getting a very long line of communication and the country is full of small bands of ladrones and insurgents. I am obliged to protect every point. I would like to bring up the Twenty-second from Arayat at once and battalion of Twenty-fourth from Cabiao. Can leave but one battalion at San Isidro, which I think sufficient for the present. This point is now of more importance than the latter. I will move to San Jose to-morrow or next day.

LAWTON.

MANILA, November 7, 1899.

Major-General LAWTON, *Cabanatuan*:

Thirty-fifth Infantry proceeds to-morrow to San Fernando, whence its commander, Lieutenant-Colonel Plummer, will report to you by telegraph for temporary duty at Arayat, Cabiao, and San Isidro. This will render battalion you intended to leave at latter place available for field work. Nearly all of the additional 150,000 rations for your command were shipped to Calumpit yesterday. Have repeatedly instructed Lee, who is doing excellent work, to wire me at once should any hitch occur which can be straightened out here. Wheaton should effect lodgment to-day at or near San Fabian. Corps commander trusts that your advanced troops at Humingan or beyond may soon communicate with his command. You may be able to draw supplies from his base for part of your troops. The General is glad to hear of the excellent progress you are making in the face of trying conditions. Let us hear from you frequently.

SCHWAN, *Chief of Staff*.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF, *Palace*:

Young moving forward to-day under most trying conditions of mud and high water; but troops are moving and should reach San Jose to-morrow, from whence they will push on immediately to Carrangian and Humingan.

LAWTON.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF, Manila:

The following just received from General Young: "Talavera, Tuesday, November 7, 1899—Adjutant-General, Cabanatuan: Sir: I have to report that our outposts and camp were attacked by a strong force of the enemy, said to number 300, sent under command of a colonel from Tarlac with orders to recapture this town. Attack was made at 4 o'clock a. m. Two hundred of the attacking forces were regulars from Tarlac, the remainder being picked up and forced into the service. They undoubtedly expected to surprise us, but my outposts were on the alert and my command formed line promptly and moved out in support of the outposts. The enemy made three successive charges to trumpet signal sounded by the trumpeters of their column. During the last charge one of the enemy was killed within less than 50 yards of our lines. Captured one very severely wounded, with Mauser rifle and ammunition. From bloodstains must have been several more casualties. We were fortunate in having no casualties, but 1 pony killed and 2 horses wounded, not severe. My forces are in good shape, and I can maintain myself if I have supplies. The five days' half rations are up to-night. I urgently request that rations be sent at once. Respectfully, Hayes, Lieutenant-Colonel, Commanding." General Young's advance is at Talavera by this time, and he has instructions to push on as rapidly as possible. My advanced troops will be on half rations, bread and meat, from this time. This attack emphasizes the necessity for moving up troops from Arayat and Cabiao, or, after getting my supply trains forward, abandoning my line to San Isidro, and looking to Dagupan, or some point south of there on railroad for next supplies.

LAWTON. *Major-General*.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF:

Following is synopsis of report received from General Young: "Talavera, 3 p. m., November 7.—Followed retiring enemy with 60 men, Fourth Cavalry, and Dorrington's scouts, to Santo Domingo. Enemy separated into two columns—one going toward Victoria, other toward San Jose; latter 225 strong. Four bridges destroyed on road to Santo Domingo, rendering rapid pursuit impossible. Blood stains and bloody carts found, indicating many wounded being carried away. Scouts discovered quantity gun cotton. Was carelessly exploded, wounding Corp. Gustave Raysck and Private William E. Brace, Company H, Thirty-fourth Infantry. Brace since died; Raysck will recover. Orders received to advance to San Jose. Will move as soon as supplies arrive with full confidence that I can take the place with force at disposal. (Signed) Hayes, Lieutenant-Colonel Fourth Cavalry."

LAWTON, Major-General.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF:

Young reports raft wrecked with load of men, horses, and equipments. Private Chrest, Troop D, Third Cavalry, drowned. Several saddles and equipments lost. Raft repaired and crossing continued.

LAWTON, Major-General.

CABANATUAN, November 7, 1899.

CHIEF OF STAFF:

Report just received that bridge at Tambo River, constructed by engineers, has collapsed. One mule drowned. This is no pleasure excursion.

LAWTON, Major-General.

CABANATUAN, November 8, 1899.

CHIEF OF STAFF, Manila:

Raft again wrecked this morning with fatal results. The following is report of Captain Ballance: "General Lawton: As near as I can ascertain at present Private George F. Marks, Company F, Twenty-second Infantry, is the only one drowned. A number of parts of equipments have been lost, but most of the guns have been saved. The raft is now in position and a boat load has crossed. (Signed) Ballance." I have contracted with natives to construct bamboo raft to be ready at 6 to-morrow morning, for a dollar twenty-five cents, Mexican, and the engineer officer is trying to bring up two pontoons, all he has to make ferry. In the meantime the advance is pushing on.

LAWTON, Major-General.

MANILA, November 8, 1899.

Major-General LAWTON, Cabanatuan:

Six companies Thirty-fifth Infantry under Major Walsh go by rail to San Fernando this morning. Do you wish these companies placed at Arayat and Cabiao, or have them all placed at San Isidro? They will not have any baggage except what is necessary for the field. Will you give orders for their advance from San Fernando, designating station? Reply at once. The headquarters and other six companies, under Lieutenant-Colonel Plummer, will follow to-morrow.

SCHWAN, Chief of Staff.

MANILA, November 9, 1899.

Major-General LAWTON, Cabanatuan:

Wheaton made successful landing at Lingayen on Tuesday and immediately advanced in direction of Dagupan, after capturing which, he will, following his instructions, extend toward Binalonan and Tayug.

SCHWAN, Chief of Staff.

CABANATUAN, November 9, 1899.

CHIEF OF STAFF:

Raining steady. All roads becoming almost impassable. Have two ferries running, and moving smoothly. It is about the worst proposition I ever tackled, but we are moving on slowly. The following just received from Young: "San José, November 8, 1899.—Major-General Lawton: Hayes, with Augur's squadron, Fourth Cavalry, marched from Talavera this morning through Santo Domingo and Muñoz to San José. I moved with Batson's scouts and Dodd's troop, pushed forward rapidly through the town, met no opposition. Macabebes followed up within half an hour. A few of the trained ones entered with the cavalry at 1.30 p. m. Hayes arrived 3 p. m. and reported last half of the road in excellent condition. Many munitions of war were captured, also 2 Remington rifles in good condition, with ammunition. A young officer, son of General Lanera, a major in the insurgent army a month ago, captured here. He claims not to be an officer now, and one other prisoner captured in woods with gun by outpost. Outpost on road leading to Humingan was attacked by a small force just after dark. Company of Macabebes poured a rattling fire into the brush where the fire came from and silenced it. Seems to be considerable desultory firing on all the outposts now (7.30 p. m.). Do not believe there is any considerable force of the enemy in this neighborhood. I send herewith captured letters and communications that are of interest, showing the enemy are trying to move impedimenta. One letter dated to-day evidently intended to go to Bayambang. I have ordered Hayes to proceed to Carranglan to-morrow morning at 6 o'clock. If he finds trail too difficult for carts, he will return here the following day for supplies. Dorrington should be in with a supply train for my force by noon to-morrow. Wessells should reach here to-morrow. Ballance with his battalion, and battalion Thirty-seventh, should be at Muñoz to-morrow, en route here. Country and people very poor. No rice found as yet except growing rice for animals. There is not a house in town fit for headquarters. The road by way of Santo Domingo and Muñoz is much better than the trail. Following is inventory of captured property, just handed by Lieutenant-Colonel Parker: One hundred and forty-four Hotchkiss rapid-fire cartridges, loaded, 2-inch; 8 boxes Hotchkiss 2-inch projectiles; 8 boxes brass shell, 1.65; 30 5-inch projectiles for breech-loading cannon, rifled; 20 8-inch projectiles for breech-loading rifled cannon; 2 boxes of hand grenades, loaded; 1 breech block for Krupp cannon, 5-inch; 1 carriage for cannon in pieces; 4 block pulleys, large ones; large vise; 10 shells, brass; 2 boxes fuse plugs, Hotchkiss; 2 tons castings and parts machinery. (Signed) Young, Brigadier-General."

LAWTON, Major-General.

MANILA, November 10, 1899.

Major-General LAWTON, Cabanatuan:

Report telegraphed you to the effect that Wheaton had landed at Lingayen erroneous. He secured lodgment yesterday at San Fabian, as directed by the department commander, and has nearly completed the landing of his supplies. Reconnoissances sent out by him northward in direction of Santo Tomás and as far as Magaldan and San Jacinto met with but slight resistance.

SCHWAN, Chief of Staff.

CABANATUAN, November 10, 1899.

CHIEF OF STAFF:

Continuous rain for twenty-four hours. All communication by road cut off. Bridges and ferry washed out. Have saved rafts and one line here. Am much worried and anxious to get up to Young.

LAWTON, Major-General.

CABANATUAN, November 10, 1899.

CHIEF OF STAFF, Manila, P. I.:

The following just received from General Young, dated San José, November 9, 1899, 6.05 p. m.: "Major-General Lawton: Hayes started for Carranglan this morning. Parker accompanied the courier bearing dispatches to you as far as Muñoz, with instructions to conduct Wessells on the road to Lupao and Humingan and leave orders for Ballance and the battery to follow. Wessells had not arrived at that

point at 3 o'clock. He then sent dispatch as follows to Colonel Wessells: 'General Young will expect you to arrive at Lupao early to-morrow. He desires that not only your command, but that all the troops that follow you, as well as the train, go the direct road to Lupao.' Parker returned 6 p. m. Stated that the rain to-day had made the road extremely difficult. One company Macabebes scouted country in direction of Lupao this morning. They returned at noon, bringing in personal and official papers of General Lanera, whose son we held here as prisoner. Batson, believing Lanera with some force to be in the mountains near here, started out with one company about 3 o'clock. A messenger from him has just arrived with note as follows: '4 a. m.—On trail of General Lanera; within two hours of him; will follow. Before 4 a. m. our people were fired upon by a few Mausers far up in the mountains, about the time they found Lanera's baggage hidden in the woods. They were unable to see an enemy. With the baggage were taken 1 Winchester with plenty of ammunition and 1 shotgun,' a courier with a dispatch from Tarlac addressed 'Officer in charge of telegraph station at Pantabangan,' with copies of most urgent telegrams via Rosales, San Quentin, Bunion, and at top of envelope 'Via Baninathas;' also dispatches containing important information. All are inclosed herewith."

I gather from these dispatches that Aguinaldo was in Tarlac yesterday; that all important prisoners of ours held by the enemy are in Aparri or near there; that a telegraph line is ordered constructed from Bambang, province of Nueva Vizcaya, near Bayonbong, on the Rio Grande de Cagayan, over the mountains to Tayug, via Cayapa. The Cayapa referred to is a little town in the mountains over the divide, northeast of Tayug. It is not known on any map that I have, but the postmaster here pointed out the location and said letters had come from that place. He insisted that it was not the Cuyapo near Tarlac. I consider these dispatches very important as showing Aguinaldo's intentions. Unless I hear from you before to-morrow morning, it is my intention to leave one company Macabebes and Dorrington's scouts, together with train guards and train of Hayes's squadron, at this point, and move with three companies Macabebes and Dodd's troop to Lupao, hoping that Wessells will join me there, and from that point will push on to Humingan. Every hour is precious now, and I see complete success within our grasp if Wessells, Ballance, and the mountain battery can get to Lupao to-morrow. My staff officers, orderlies, and I have been living on what we carried in our saddle pockets since I left you in Cabanatuan; we can for three days yet, and hope that the train escorted by Steever will come to us at Humingan on the 11th. (Signed) Young, Brigadier-General, commanding. Five inclosures." Later Young telegraphs, 7.30 a. m. November 12th: "I leave here at 1 a. m. with all Macabebes and Dodd's troop, leaving Dorrington's scouts and detachment 90 cavalry, in all 180 men. Have ordered Wessells and Ballance, also battery, to cut away from all impedimenta and push on to Lupao. (Signed) Young."

LAWTON, *Major-General.*

MANILA, November 11, 1899.

Major-General LAWTON, *Cabanatuan:*

Captured dispatches regarded as important. Please forward originals by first safe opportunity. Difficulties against which you are contending fully understood here, and the General is much gratified at the progress you are making despite them.

SCHWAN, *Chief of Staff.*

CABANATUAN, November 11, 1899.

CHIEF OF STAFF:

Conditions still continue discouraging. Succeeded to-day in reestablishing the ferry here. All communication by road still impossible. Colonel Kennon, commanding Third Brigade, dispatched a battalion Thirty-fourth Infantry to reoccupy Aliaga, as after reconnoissance to that place I considered it important to take and occupy it. Have heard nothing from Young to-day.

LAWTON, *Major-General.*

MANILA, November 12, 1899.

Major-General MACARTHUR, *Bamban:*

Lawton's troops strung out from San Isidro to San Jose, whence Young reported on Friday that Hayes would be pushed forward to Carranglan on Saturday, and that Wessells and Ballance would occupy Lupao on same day, reaching Humingan Sunday. From latter point it is hoped that communication will be established with Wheaton.

Battalion Thirty-fourth Infantry was yesterday dispatched to reoccupy Aliaga, from which Parker's cavalry was withdrawn a few days ago, after reconnoitering Victoria road toward Licap. Thirty-fifth Infantry are guarding Lawton's line of communication from Arayat to and including San Isidro. Lawton himself is still at Cabanatuan. Progress of his troops has been impeded by heavy rain.

SCHWAN, *Chief of Staff.*

TALAVERA, November 12, 1899.

CHIEF OF STAFF:

Following just received from Captain Ballance: "San Jose, November 11.—To General Lawton: Owing to the bad roads and incessant rain was unable to get artillery through till this afternoon and bull train until after dark. Will leave train here and start to-morrow morning with four infantry companies and two companies Thirty-seventh U. S. V., with the six guns and ammunition wagons of artillery. I take four days' reduced rations. Only take 100 rounds ammunition. General Young has directed me to push on, leaving all impedimenta. The road from here to Lupao since yesterday's terrific rains is perfectly awful. I doubt the feasibility of getting artillery through to-morrow, and in case it becomes necessary to push on without it will leave one infantry company to guard it. I have received no direct information, but understand General Young has been ordered to San Nicolás. I shall join him as soon as I can, but the walking is awful. Please forward rations and extra ammunition. The artillery has four days half rations. I can last five days on a pinch. 9.30 p. m. (Signed) Ballance, captain, Twenty-second Infantry."

LAWTON, *Major-General.*

TALAVERA, November 12, 1899.

CHIEF OF STAFF:

The following just received, dated San Jose, November 12: "To General Lawton: The inclosed copy furnished you for consideration, the original having been forwarded to General Young at San Nicolás. Very respectfully, L. A. Dorrington, first lieutenant, Thirty-fourth Infantry, in command, San José. "Headquarters Fourth Cavalry, Carranglan, November 11.—To Adjutant-General Cavalry Brigade, First Division: I have the honor to report that at half past 10 o'clock this morning I intercepted and captured 172 bolo men of the insurgent army. These men are part of a force of 400 that left Nueva Vizcaya on Monday, 6th instant, under orders from Aguinaldo to proceed to this place and act as escort for Colonel Emer, private secretary to Aguinaldo, and now here in custody, and turn over all the property pertaining to the insurgent army and government that escaped capture by the Fourth Cavalry at Talavera. Aguinaldo's orders were addressed to General Canon, who is the officer evidently in command of the insurgent forces in the province of Nueva Vizcaya. On the arrival of the 400 men at Rosario, 228 of their number remained there to procure supplies and rest. Major Coleman, with the property in his charge, was to have been escorted from this place to Nueva Vizcaya. The prisoners captured were without firearms and carried one day's rations of rice. Among the prisoners captured are 1 captain, 1 first lieutenant, and 6 second lieutenants. The total number of prisoners now held by me is 175. I urgently request that I be reinforced at once by the second squadron of the Fourth Cavalry and that I be furnished with rations at the earliest possible moment. My command is reduced by detachments and scouting parties in the direction of Rosario, but the roads are almost impassable and it is feared that but little can be accomplished. Hayes, lieutenant-colonel, commanding."

LAWTON, *Major-General.*

TALAVERA, November 12, 1899.

CHIEF OF STAFF:

Have just wired you report received from Hayes and Ballance. Young is doubtless in San Nicolás before this time. The perseverance, energy, and courage displayed by these officers in pushing forward at this time and under existing conditions, without food and without any hope of receiving any soon, without the possibility of support reaching them immediately, is worthy the greatest commendation that can

be accorded. Of course I expected supplies and supports to follow them closely, but the elements have practically cut them off. The roads and streams are simply impassable for vehicles. I have ordered loads on carts reduced to 800 pounds each, and 4-mule teams to 2,000, and then push on. If supplies or reinforcements can come in via Dagupan, arrangements had best be made that way. Small parties insurgents in this vicinity hastily leaving in direction of Tarlac.

LAWTON, *Major-General.*

TALAVERA, *November 12, 1899.*

CHIEF OF STAFF:

The following just received from General Young, dated San Quentin, November 11, 6 p. m.: "Major-General Lawton: Captured Humingan early this morning after slight skirmish of Batson's men with about 100 insurgents. They were followed rapidly in the direction of Rosales by Dodd, but all disappeared in the jungle. Two were killed. Dodd's pursuit was checked by a swamp where many of his horses were mired. Wessells, following closely behind, was pushed on, entering this place at 10.30 a. m., killing 1 insurgent. He pushed on rapidly, entering Tayug at 1.15 p. m. There was but small force at that point, which fled in the direction of San Nicolás. One troop followed rapidly, but had not returned at the time Wessells's courier left for this point. The courier from that troop reported verbally a fight at San Nicolás, resulting in the killing of a lieutenant and 2 men of the enemy and capturing 2 American prisoners. Wessells reports having captured in Tayug several hundred thousand pounds of rice, mostly white; 3,500 pounds flour; 7,500 pounds salt; 1,300 uniform coats, new, besides a lot of blankets and minor articles. He also captured Maj. Santiago Pickache, commissary and quartermaster in the rebel army, and 69 Spanish prisoners. He reports quite a number sick and wounded in the hospital here. Wessells's march yesterday and to-day has tired out horses and made them leg weary. He has plenty of feed for them where he now is and I shall allow him one or two days' rest. My forces are disposed as follows: Wessells, with Swigert's squadron at Tayug; Dodd's troop with me at Quingua; Batson's Macabebe scouts at Humingan; Hayes with Augur's squadron, and Dorrington's scouts San José and Carranglan; Chase's troop and Ballance's battalion, Twenty-second Infantry, Koehler's battery, and Scott's company, Thirty-seventh Infantry, are en route and should be in Humingan to-morrow. Castner's scouts at Talavera, unless ordered forward by you. Morton's squadron of the Fourth, and Steever with half his squadron of the Third, are guarding supply train somewhere between Cabanatuan and this point, I know not where. The road up to Humingan is about as bad as it well can be and retain the name of road. From Humingan to this point it has been repaired within the past week by the insurgents, and is in fine condition; from this point to Tayug it is reported bad. Everything indicates the intention of the leaders of the insurrection a week ago to carry the seat of government through to Bayonbong, Nueva Vizcaya. I believe all our prisoners have been sent in that direction. This is confirmed by 2 Spanish prisoners escaped, who were reported to me here this morning. The rations carried on the persons of my troops will be exhausted to-morrow morning, but they will not suffer. No men could be more cheerful and enjoy the work better than the soldiers of this command. I will feel out for Wheaton to-morrow. Wessells, Batson, and Dodd deserve much credit for the good work accomplished. I inclose two cards written by Dr. Admenassian, a Frenchman, prisoner in the hands of the insurgents, given to a Filipino in Humingan, who was kind to the prisoners as they passed through en route to Bayonbong. The man who gave me the cards stated that he thought the day they passed through was about September 15, 1899. Please forward the card addressed to No. 9 Escolta, Manila. I think it will be difficult for Aguinaldo to go through our lines to the north or east, unless he goes on foot after nightfall. Young, brigadier-general."

The following copied from the card referred to in the above: "My Dear Sir: The bearer has helped me. He is anxious to go to the Americans. He will tell you about me. I am suffering a great deal; at the same time it is only right that I should confess that Mr. Aguinaldo gave orders that I should be treated well. I am going to Bayonbong, Nueva Vizcaya. They took my passport and will send it to Manila to the French consul, and I believe it will be all right when the answer comes. Very truly, yours, M. K. Admenassian."

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LAWTON, *Major-General.*

MANILA, November 12, 1899.

Major-General LAWTON, *Talavera*:

MacArthur's troops occupied Capas yesterday. He hopes to make dash for Tarlac to-morrow, Monday. His movements are, however, considerably impeded by heavy rains. Nothing further from Wheaton.

SCHWAN, *Chief of Staff*.

MANILA, November 12, 1899.

Major-General LAWTON, *Talavera*:

Department commander now considers Aliaga important point, and approves your reoccupation of it. He realizes the difficulties that confront you, but takes satisfaction in the thought that enemy's movements are retarded from the same causes.

SCHWAN.

TALAVERA, November 13, 1899.

CHIEF OF STAFF, *Manila*:

Howse, lieutenant-colonel, Thirty-fourth, occupied Aliaga, 10th instant, with six companies, Majors Penn and Wheeler. He will reconnoiter toward Victoria. Will be supported by Ballance, Twenty-second, as soon as it can be relieved by other troops. Aliaga will not be abandoned.

LAWTON.

MANILA, November 13, 1899.

Major-General LAWTON, *Talavera*:

Your telegram outlining the progress and captures made by and the present disposition of your troops, as well as the objectives of the several columns, are received and fully understood.

SCHWAN, *Chief of Staff*.

TALAVERA, November 13, 1899.

CHIEF OF STAFF, *Manila*:

The following just received from Colonel Kennon, commanding Third Brigade, dated Cabanatuan, November 13: "General Lawton: Cable broke last night. Raft floated downstream three-quarters mile. None injured. Raft recovered and towed back to place by bulls. Am stretching rope for new cable. Supplies and some men were put over all right in bancas, with natives to handle. Launch not here. Knight wires that it will leave San Isidro at daybreak with all rope he has suitable for ferry purposes. Jones's battalion reported at Cabiao, leaving there at 7 a. m. today. Batchelor's battalion at San Isidro with Keller commanding. Thirty-fifth is at Arayat, mouth of Chico, Camp Lincoln and Cabiao. Walsh has pushed his men forward well. Plummer is at Arayat. Rio Chico toward Tarlac is from 2 to 6 miles wide. Demonstration there would be useless. I therefore ordered Howze to Victoria, as that covers only line of retreat of enemy south of Lake Canaren. Kennon, commanding."

LAWTON, *Major-General*.

NEAR SAN JOSE, November 14, 1899.

CHIEF OF STAFF, *Manila*:

Extracts from telegrams from General Young to General Lawton: "One troop of cavalry to feel for Wheaton, one troop sent to San Nicolás. Thirty bull carts captured yesterday by Wessells. These carts were carrying records of insurgent war department, one of the papers captured being an order of the presidente at Callanglan, a town 20 miles northwest of Tarlac, dated 7th, asking that 12 bull carts be sent to San Nicolás per urgent order of Aguinaldo. Most of these bull carts were captured yesterday. One cart covered with a mat carried a paper placard marked 'Señor

Aguinaldo.' The printing press complete of the Herald of the Revolution and a large quantity of rice were captured yesterday. My command stretches out too much to take further detachments for pursuit over the mountains. I will do so as soon as column closes up. The horses are reported very leg weary. 8.30 p. m.—Information thought to be reliable was given by a Spanish prisoner yesterday, placing Aguinaldo in Asingan. Immediately sent a troop of cavalry to San Nicolás and pushed it out to San Manuel, a town due north of Asingan. Returning to this point, a dispatch received from Thayer on the road to Asingan stated that he had met with strong resistance. Swigert immediately sent in 50 men of the troop remaining at Taguig."

Telegram from General Young to Parker: "I desire Macabebes as soon as possible. Send up Chase's troop at once." "Parker directed to leave two guns with Ballance to hold Humingan. Four guns for Batson's battalion to hold San Quentin. Dodd directed to push on here immediately. At 6.30 p. m. courier reported Thayer successful, having driven enemy to Binalonan. At 8.30 p. m. Hunter reports that he has occupied San Manuel without resistance. Wheaton not yet heard from. Sugar scarce. Need baking powder. Most of all, should have ammunition. Have plenty of carts. Ammunition should be sent from San Quentin on horses. Roads impassable for carts. I shall not wait for ammunition. I push on immediately. No casualties."

LAWTON, *Major-General.*

ON ROAD BEYOND SAN JOSE, November 14, 1899.

CHIEF OF STAFF, Manila:

The following just received from General Young: "Tayug, November 14, 4.30 a. m.—Major-General Lawton, San Jose: Dodd has just arrived from the mountain trail several miles north from San Nicolás. Has \$75,000 (estimated) on carts. Horses and men of his troop, and Lieutenant Johnson's troop, which is still at San Nicolás, are weary, worn, and hungry. Two men and several horses of Lieutenant Johnson's troop wounded. Heroic work has been accomplished by all, but more particularly these two troops, yesterday and last night. All information leads me to believe Aguinaldo with a chosen guard of 1,500 and two guns was in Urdaneta yesterday. Thayer occupied Binalonan yesterday morning and was met and welcomed by a deputation. He left there at noon with a sergeant and 12 picked men en route for San Jacinto to find Wheaton. His troop returned to Asingan. Hunter moved from San Manuel to Asingan. Koehler and Scott with four guns, mountain battery, followed by Chase's troop, came in last night. Batson, with Macabebes, is here. Ballance, with his battalion and two guns, at Humingan. I will push to Urdaneta this morning with Batson's Macabebes, four guns, and Chase, picking up Swigert and his two troops at Asingan. Ballance and his battalion and two guns will push to Rosales. Wessells will hold here with two troops and will keep couriers on road connecting with Lieutenant Johnson at San Nicolás. Ammunition belts have not been replenished since leaving Cabanatuan, but I can not wait for train. Do not know where it is. Issued from the captured stores one uniform coat and trousers and one blanket each to the 100 Spanish ex-prisoners who have been baking bread all night for my people. Young, Brigadier-General."

LAWTON, *Major-General.*

ON ROAD BEYOND SAN JOSE, November 14, 1899.

CHIEF OF STAFF, Manila:

The following received from Ballance: "Humingan, November 14—General Lawton: By order of Young, leave here for Rosales this morning with three companies of infantry and two guns. Latter having only 16 rounds of ammunition and no escort, the rest having been taken by Koehler. Have 100 rounds per man of infantry ammunition. Leave all transportation here. Half of it is now at San Jose under Lieutenant Ripley. The insurgents are reported strongly intrenched at Binalonan with 1,000 men. No bridges. I leave First Sergeant Mancy in charge with one company and sick. I need rations and ammunition, but I shall not stop on that account. I am liable to run against Aguinaldo's army and would like Sergeant Mancy's company sent to me as soon as it can be done, also such other reinforcements as you can spare me. (Signed) Ballance."

LAWTON, *Major-General.*

ON ROAD BEYOND SAN JOSE, *November 14, 1899.*

CHIEF OF STAFF, *Manila:*

I am pressing on to join Young as fast as possible. Roads are impassable for teams or carts, and it is useless to think of getting them through in time. I will push three troops of cavalry through to-night if possible. I am surprised that Wheaton can not be heard from. Had hoped to have his assistance. Will hang on and push, and everything behind will be forced along as fast as possible. Young and his cavalry, Ballance with his infantry, and Kochler with his mountain battery are deserving of all that can be said of them.

LAWTON, *Major-General.*

CABANATUAN, *November 15 and 16, 1899.*

SCHWAN, *Chief of Staff, Palace:*

No telegraphic connection north of here except enough to show line intact between here and San Jose. Probably due to wet grass and noninsulated wire. The following are therefore sent direct to you, not being able to reach General Lawton: Howze reports from Victoria, via Tarlac, occupation of former place yesterday without resistance. Many deserted trenches were found all along the road, especially at river crossings and barrios. He says roads impassable, but Thirty-fourth troops healthy and in good spirits and can live on country. Victoria, 10,000 inhabitants who seem friendly. Howze has been directed to proceed to Rosales, via Cuyapo. Shunk goes by way of San Juan de Guimba. River rose 5 feet during night. Ferry down; bridges impassable, if not washed away. Still raining hard. River higher than at any previous time and still rising rapidly. No movement of troops possible until water goes down. Material in all cases has been saved and all possible preparation made to reconstruct quickly. Natives report such rain at this season is unprecedented.

KENNON, *Commanding.*

We will now leave the column of General Lawton operating on the line of San Isidro, Cabanatuan, San Jose, Humingan, and Tayug, with detachments at Aliaga and beyond to Victoria, also on the roads leading to Bongabong east of Cabanatuan, Carranglan north of San Jose, and to the north and west of Tayug, while we report to the middle of November the movements of Generals MacArthur and Wheaton, who in person commanded the other two columns which took part in the active campaign which swept Northern Luzon. Before doing so, however, we desire to call attention very briefly to the results which General Lawton's troops had accomplished.

Upon the arrival of the Thirtieth Infantry at Manila it relieved the Thirty-fourth on the line maintained south of that city, and the latter being sent to General Lawton, was advanced to Cabanatuan, Aliaga, and vicinity. The Thirty-fifth Infantry, upon arrival in the Philippines, was immediately forwarded to the Arayat, Cabaio, and San Isidro positions. This made available beyond Cabanatuan the headquarters and two squadrons of the Third Cavalry, two battalions of the Twenty-second Infantry, headquarters and two battalions Twenty-fourth Infantry, a squadron of the Fourth Cavalry, the mounted company and the mountain gun battery of the Thirty-seventh Infantry, a portion of Taylor's light battery of the Fourth Artillery, and the two native scout organizations (Macabebes and Tagalos). The Third Cavalry and a part of the scouts were, on November 15, centered at Tayug, the Fourth Cavalry held San Jose, Carranglan, and the mountain roads north, and the infantry was advancing along the main line to the north-westward, Ballance's battalion being in the lead at Humingan. The Twenty-fourth Infantry, part of the Twenty-second, with detachments and scouts, held the road from Cabanatuan to San Jose.

After great labor sufficient supplies were placed at San Isidro and Cabanatuan to last the troops for several months—at least during the

time that it would be necessary to maintain so large a force in that section of country. The Rio Grande Pampanga, the river on which the supplies had to be moved from Calumpit north, drains a large territory and is subject during the rainy season to frequent very sudden rises and equally sudden falls. It was low early in October, as there had been but little rain for two or three weeks, so that the launches of the river transportation which had been concentrated at Calumpit could not proceed above Arayat. This was discouraging to those actively participating in the work of moving supplies, and especially so to those observers who had discovered a failure of comprehension somewhere among the military authorities which exceeded all former manifestations of incompetency; but before they had opportunity to publish their conclusions the windows of heaven were opened, the country was deluged with rain, and they were relieved from anxiety. It now became as difficult to proceed with launches against the rapid current of the river as it had been to pole the cascos up its late shoal waters. General Lawton, who never rested, with that practicability and those resourceful characteristics which distinguished him, and ably supported by his assistants, successfully met the emergencies for which the uncertain river was responsible.

The rains made celerity of movement and the transporation of rations above Cabanatuan impracticable, but fortunately the troops found the stored rations of the enemy at convenient points and they were enabled to purchase meat and forage from the inhabitants. They had the consolation of knowing that weather conditions were as severe on the active insurgents as upon themselves, and this knowledge spurred them on. Their movements, the captured property and correspondence, established the fact that Aguinaldo was engaged in transporting his war material by Bongabong, east of Cabanatuan, by San Jose, north of the latter place, and by Tayug and San Nicolás, in the direction of Bayonhong, situated in the mountains of the province of Neuva Vizcaya, on the Rio Grand de Cagayan, which flows north to the city of Aparri on the north coast of Luzon; that he was moving his war material by every available road and trail connecting the country south of the mountains and Bayonhong with as much celerity as possible, and that he was apparently rapidly executing his intention, proclaimed October 5, to transfer "the capital of his republic provisionally to Bayonhong, the capital of Nueva Vizcaya." He had placed his troops at all the principal points of the Nueva Ecija Province, but they failed to give the protection expected of them.

In reporting General MacArthur's advance northward we return to October 22, the date on which we dropped the recital of the movements of his troops and when he was still maintaining his headquarters at Angeles, the advanced point of his line. We shall again depend largely upon telegraphic correspondence to convey information, as it contains a faithful portrayal and description of conditions and events, at least as then understood.

On October 20, the day upon which General Lawton's troops had seized San Isidro, General MacArthur had telegraphed:

A flag from the insurgent lines has just delivered a message directed to me, signed by Secretary of War Ambrosio Flores, in which he says his honorable president, General Aguinaldo, desires to send a military commission to Manila composed of five persons presided over by an insurgent general. The purposes of the commission, as stated by General Flores, is to arrange with General Otis difficulties connected with the delivery of sick Spanish civil and military prisoners. It is further stated in his

letter that the commission is charged with other matters of a pacific character. These matters, however, are not specified. I have directed the bearer of the flag to go back to his own lines and return again to-morrow morning at 10 o'clock, at which time I would communicate to him the answer of the department commander.

To which answer was immediately made as follows:

MANILA, *October 20, 1899.*

General MACARTHUR, *Angeles:*

Reply to message received from insurgents in your front, that General Otis is unable to recognize or receive any commission of gentlemen accredited by General Aguinaldo, unless accredited by him solely in his character as general in chief of the insurgent forces.

SCHWAN, *Chief of Staff.*

On October 23 General MacArthur again telegraphed upon this subject, as follows.

ANGELES, *October 23, 1899.*

ADJUTANT-GENERAL DEPARTMENT PACIFIC:

A note was delivered about 5.30 this afternoon, by flag, dated at Tarlac, 22d October, signed by Ambrosio Flores, the general secretary of war, in which he acknowledges receipt of my note of the 21st, which contains the department commander's reply to the former note, the contents of which he informs me have been read by his chief, General Aguinaldo. General Flores then continues as follows: "And for the satisfaction of General Otis, I say in the name of my general, that in order to give evidence of our humane sentiments and sincere proof of making friendship with the United States, the government of the Filipino republic desires to deliver to his excellency, Mr. Otis, as representative of his nation, sick Spanish civil and military prisoners already filed on our own initiative." General Flores then states that in order to overcome the difficulties of assembling so large a number of prisoners, General Aguinaldo contemplates sending a military commission composed of five persons, presided over by one of their generals, to confer with General Otis, and inquiry is made if General Otis is disposed to receive the said commission of humanity and of pacific character. The note concludes with a request that I will transmit entire the letter to General Otis, which I think is perhaps desirable, unless favorable action is considered expedient upon this representation of its contents, in which event I will send it on to-morrow by an officer. The insurgents' flag will return at 9.30 in the morning. I would therefore like definite instructions before that time.

MACARTHUR.

General MacArthur was informed that answer would await the receipt of the letter, which was delivered by one of his staff officers the next day. The proposition for a conference was declined in a written reply, for reasons which will hereafter appear in this report, and also, because of former insurgent conduct with regard to these prisoners, it was not believed that the insurgents were acting in good faith. The reply is not at hand, else it would be given in full.

The arrival from the United States on October 26 of the Twenty-seventh and Thirty-third Infantry made the reenforcement of the Second Division of the corps (MacArthur's) practicable, and the time was approaching when the movements of General Lawton made it desirable that this division should go forward. Two additional regiments were needed north of the Rio Grande for the protection of the inhabitants in the thickly inhabited section in the vicinity of San Fernando, Bacolor, and Guagua and the country to be taken possession of in the general advance northward. Important matters in the Jolo Archipelago required attention, and Brigadier-General Bates was withdrawn from San Fernando and Brigadier-General Grant was relieved from the Cavite province and directed to report for duty to General MacArthur, who was instructed by telegraph as follows:

MANILA, *October 29, 1899.*

General MACARTHUR, *Angeles:*

Orders issued to-day which relieve General Bates from and assign General Grant to duty in your division. The presence of General Bates demanded at once in the

southern islands, and it is desired that he take transport to Jolo on the 31st instant. Twenty-fifth Infantry will be sent you on Tuesday, to be followed by a volunteer regiment very shortly. Please relieve General Bates by telegraph, and direct him to take train to Manila as early as to-morrow at least. Affairs in the section of country surrounding San Fernando matter of considerable concern and may be somewhat troublesome when all of General Lawton's troops have proceeded northward. The people of that section of country must have full protection. Please give this matter consideration.

BARRY, A. G.

Affairs to the westward of Guagua and Santa Rita, Pampanga province, and in fact along the eastern base of the Zambales Mountains on the road extending south from Porac to Orani (a town on the Manila Bay coast), were troublesome. The insurgents of that section under the command of General Mascardo were very active and the terrain made pursuit difficult. Colonel Bell with his Thirty-sixth Infantry, composed of men who had seen long service in the Philippines, was assigned to look after the enemy in those parts. This he did most efficiently. General MacArthur telegraphed from Angeles on the 29th the following:

ADJUTANT-GENERAL:

Captain French and Lieutenants Ferguson and Davis, Thirty-sixth Infantry, went to reconnoiter road beyond Lubao this afternoon. Encountered from 75 to 100 insurgents in newly constructed trenches near junction of Hermosa road with road running up southwest bank of Porac River to Florida Blanca. French attacked and drove them out, killing three officers, 8 men, and wounding a number, 2 of them so badly that they were left behind. Captain French and Lieutenant Ferguson severely but not dangerously wounded. One enlisted man killed, 6 wounded. Detachment withdrew with dead and wounded to church at Lubao and sent for reinforcements. Major Bishop got there promptly with two companies. Left half a company at junction of San Roque and Lubao roads which attacked and defeated reinforcements of enemy advancing from San Roque. Bishop, from tower of church in Lubao, discovered body of cavalry approaching from other side of town, which he attacked and scattered in all directions and killed Major Pedro Salvador. One Krag and 8 Remingtons captured from the enemy. Left in our hands, 4 dead officers and 8 men. Also 2 wounded and 1 captured. French and Ferguson both had their horses shot under them as well as being severely wounded.

General MacArthur had received instructions some time before that he would hold his troops in readiness to advance on Magalang, northeast of Angeles, when so directed and he had made dispositions accordingly. The following instructions and inquiries were wired him on October 30:

Headquarters and one battalion Twenty-fifth Infantry leave to-morrow by one railway train to be followed by train with remaining battalion. To what point shall these battalions be sent? The Thirty-second Volunteers will commence to go forward to Angeles on Wednesday, 1st proximo, and will all be with you on the following day. Have in reserve for you 20 4-mule teams and 20 pack mules which will be sent you as soon as possible. Corps commander gives you full discretion in selection of regiments in projected occupation of Magalang. Smith has been notified of his assignment to the Seventeenth Infantry as its colonel. You are authorized to move the cavalry troop at Baliuag to any point you consider it likely to be of most service. No objection to your resuming direct command of troops at Candaba and using Macabebe scouts as proposed.

On the same day the General telegraphed that members of the family of an insurgent cabinet officer and others had presented themselves at his outpost in front of Angeles, seeking permission to proceed to Manila. In the party was a brother of General Luna and (quoting from the telegram) "a man by name Barretto, who was on the commission with Gregorio Pilar. He has no pass, but professes to be tired of politics, as he calls it, and wants to go to Manila to make an

honest living for his large family there. These two gentlemen came in at the same time with the Spanish commission, and behind them came a miscellaneous crowd of 25 or 30 clamoring to get in, but as I had no means of taking care of them, I sent them back to the insurgents for the night. Who they are I do not know, * * *. A large number of high officers from Tarlac are hovering around, hoping to get into the city one way or another. It looks as though they were pushing Luna and the other man with important commissions because of their own inability to get in." * * *

The occasion of this demonstration could not be determined. Either Aguinaldo was about to leave Tarlac for Bayambang, as reported on the previous day, or efforts were about to be made to excite the inhabitants of Manila to hostility, the insurgents evidently supposing that the bulk of the United States troops had been withdrawn from there. The following message was thereupon transmitted:

MANILA, *October 30, 1899.*

General MACARTHUR, *Angeles:*

Referring to your telegram just received, the department commander directs that you return to the insurgent lines all male members of the Chuidan family, also Señors Luna and Barretto, and that none of the others clamoring for admission be permitted to enter your lines. The female members of the Chuidan family may come to Manila if they so desire. Permit no others to enter our lines without authority from these headquarters. Watch well your lines and all approaches thereto. One light draft launch will be sent to Calumpit as soon as practicable, probably within three days, for supply of San Luis and Candaba and to be used exclusively for that purpose.

Acknowledge.

BARRY, A. G.

Colonel Bell's regiment, always active, had again achieved success along the Porac and Orani road, which was reported to department headquarters in the following telegram:

ANGELES, *November 2, 1899.*

ADJUTANT-GENERAL:

Bishop's battalion of Bell's regiment advanced from Guagua, by way of and occupied Florida Blanca, driving out a handful of insurgents at Lubao. Bell, himself, with the other two battalions advanced from Santa Rita by the west Porac road. Was at Florida Blanca by daylight, hoping thereby to be able to pick up anything that happened to be in sight. He was disappointed, however, and found nobody in the vicinity. Leaving Bishop's battalion in Florida Blanca, where it will remain to-night, Bell with two battalions reached Porac at 2.30, at which point he had a combat with two companies, drove them out quickly and with the cavalry from here, which had joined him at Porac, pursued them well into the mountains and returned to Porac just after sundown. He met cavalry as well as infantry. He captured 9 horses in the charge, several guns, \$62 which he found in the baggage of the cavalry, and states that he literally ran every insurgent out of the country for miles around. He says that the cavalry of the insurgents no longer exists; that he killed, wounded, and captured about all they had of that arm. Bell speaks very warmly of the conduct of our cavalry and commends Lieutenants Slavens and Hawkins, and Dr. Seamant, medical officer of the troop, for good conduct. One man in Bell's regiment reported killed and two wounded. I have placed a battalion of the Twelfth Infantry on the road between here and Porac and have established a telegraph office with the battalion, and one in Porac. In the headlong chase over the hills the cavalry was accompanied by the mounted officers and a few mounted men of Bell's regiment whom he uses for scouts. The movement of my left is now completed, and I shall bring the cavalry into Porac and place them on the right in connection with the occupation of Magalang. I now have two companies at Santa Ana, two companies at Mexico, and a battalion at San Fernando; Cook's battalion Third Infantry is distributed as follows: One company at Bacolor, a company at Santa Rita, and two companies and field gun at Guagua—all connected by wire with each other and these headquarters.

MACARTHUR.

Arrangements were now completed for the advance up the railway—the Ninth, Seventeenth, and Thirty-sixth regiments of infantry, two troops of the Fourth Cavalry, two platoons of Andrew's light battery, First Artillery, and a detachment of scouts leading, and the Twelfth, Twenty-fifth, and Thirty-second regiments of infantry, placed from San Fernando north with which to protect the country already occupied and that which we intended to pass over. The following telegraphic correspondence ensued:

MANILA, November 3, 1899.

Major-General MACARTHUR, *Angeles*:

Your telegram is just received. After the occupation of Magalang by your troops, Mahalacat will be your next objective; all measures and time for its occupation to be determined by yourself.

SCHWAN, *Chief of Staff*.

ANGELES, November 3, 1899.

General SCHWAN, *Chief of Staff*:

Your dispatch relating to my next objective received; I shall occupy Magalang Sunday, and very soon thereafter the point you mention.

MACARTHUR.

MANILA, November 5, 1899.

General MACARTHUR, *near Angeles*:

The Mahalacat railway station entirely destroyed. Engines and cars ditched and burned, track torn up as far as Paranao, and track material removed to El Bendio. It appears to be intention of insurgents to destroy entire railroad, blow up all engines and burn all cars. There is in harbor at Manila, received from San Francisco, 3 miles of track, and 10,000 ties are expected to-morrow.

BARRY.

ANGELES, November 5, 1899.

ADJUTANT GENERAL, *Department of Pacific*:

The operations of to-day have been carried out successfully as prescribed in almost every particular. A command was organized at Calulut, O'Brien, battalion Seventeenth Infantry; E Troop, Fourth Cavalry, Lieutenant Hawkins; K Troop, Fourth Cavalry, Lieutenant Babcock; headquarter scouts, Lieutenant Slavens; which was to proceed to Pandataqui by way of San Pedro, San Jose, and Calabasa, as shown on the Java Trading Company map, at which place O'Brien was to unite with Colonel Smith, who advanced on the direct Angeles-Magalang road with Bush's and Chynoweth's battalions of the Seventeenth, one battery, E, First Artillery, Lieutenant Hamilton; a detachment engineers, Lieutenant Wooten, and a detachment of the Signal Corps, Captain Carr. Balance of command in this town was formed to support this movement and also with a view to a general engagement, if such an event should arise naturally from the situation. O'Brien has no wheels at all—not even an ambulance. Smith only has artillery, ambulance and a tool cart for engineers. All transportation was forwarded from this point after the successful completion of the maneuver under the escort of a battalion of the Thirty-second. O'Brien having the longest march, moved at 4.30; Smith at 6. O'Brien met opposition at San Pedro, which continued throughout his march and permitted him to do considerable execution, as it is reported from actual count that he killed 49 insurgents, wounded 15, and captured some 20 guns. This of course is a partial list and only those that are actually known. On account of bad roads arising from recent rains and opposition, O'Brien did not reach Pandataqui on time, and Colonel Smith deemed it inexpedient to suspend pursuit to await his arrival. Smith met little opposition until at Magalang, where the enemy made a stand, which afforded him an opportunity to inflict a considerable loss, which can be more precisely reported later, but which is unofficially reported to be about 100 killed and wounded. Our loss so far as ascertained is 4 in O'Brien's command and 7 in Smith's; all wounded, several severe, but no deaths reported—a remarkably small loss considering the duration of the fighting

and the punishment inflicted on the enemy. The result may be attributed to the self-confidence of our men and their precision in shooting, resulting from recent target practice. The insurgent force encountered was commanded by General Aquina, and consisted of about a thousand men, equally distributed in the vicinity of San Jose, Pandataqui, and Magalang. Magalang and Pandataqui are connected now with these headquarters by wire, and Smith's column was so connected during his entire advance. Colonel Smith worked out all the minor details of the problem, and he and Major O'Brien executed the same in a superior manner. They, together with all the officers and men of the command, are entitled to the highest professional appreciation.

MACARTHUR.

ANGELES, November 5, 1899.

ADJUTANT-GENERAL, *Department of the Pacific*:

Since my dispatch of 8.55, I have received the following information from Colonel Smith: "It was 8 wounded instead of 7, as reported." He states the enemy's loss about as given in my last dispatch. This will, of course, be subject to correction to-morrow, when the matter can be more fully investigated. O'Brien same as reported, except that he brought in 28 prisoners and 14 guns. Colonel Smith reports capture of about 50 buffalo carts and buffaloes, which he turned over to division chief quartermaster, who was present. Over 200 native prisoners were taken and all turned loose by Colonel Smith, except 50 believed to be insurgents. Town was deserted by its inhabitants, only one man remaining, who assisted our troops.

MACARTHUR.

MANILA, November 6, 1899.

General MACARTHUR, *Angeles*:

Do not send in any prisoners unless assured they are insurgent officers or are important. Telegraph briefly in cipher your next projected movement and time of execution.

SCHWAN, *Chief of Staff*.

ANGELES, November 6, 1899.

General SCHWAN, *Palace*:

Smith from Magalang, Bell from Porac, to converge on Mabalacat. When double-turning movement has reached a certain point, two regiments to advance directly to front from Angeles. Execution Wednesday or Thursday.

MACARTHUR.

MANILA, P. I., November 6, 1899.

Major-General MACARTHUR, *Angeles*:

Your proposed movement on Mabalacat, as outlined in your telegram of this morning, is approved by corps commander, who trusts you may see your way to execute it Wednesday. Wheaton left on transports with 2,500 men at 7 o'clock this morning for Gulf of Lingayen, for some point on coast of which, supported by naval vessels, he will probably effect lodgment to-morrow morning.

SCHWAN, *Chief of Staff*.

ANGELES, November 7, 1899.

General SCHWAN, *Manila*:

I shall occupy Mabalacat to-morrow. I hope reconstruction of railway will commence at once.

MACARTHUR.

MABALACAT, November 8, 1899.

ADJUTANT-GENERAL:

I ordered Colonel Bell, yesterday, to explore the mountain road from Porac to Mabalacat and to push his reconnoissance until he got contact with the enemy. The result was that he entered Mabalacat yesterday evening about 6 o'clock with little or no opposition. The small garrison, probably two companies, fled upon his approach.

He sustained no casualties at all, killed several of the enemy's officers, captured one or two prisoners. Bell himself reported these facts to me about midnight, and as it seemed some part of the enemy remained in the immediate front of Angeles, I concluded to envelop it with the hope of inflicting some punishment. Bell returned immediately with Troop E, Fourth Cavalry, to Mabalacat by a circuitous route to the west of the railroad. Smith, at Magalang, with whom I had maintained wire connection, was advised of the situation, and extended his command so as to cover the northeastern outlets. The Twelfth and Ninth, well extended over a front of 3 miles or more, advanced directly from Angeles. The formation seemed well adapted for the end in view, but unfortunately such of the insurgents as remained in front of Angeles slipped away during the night in small parties. I have now in the town of Mabalacat the Ninth, Twelfth, and Thirty-sixth Infantry, two troops of the Fourth Cavalry, two platoons of First Artillery. The Seventeenth Infantry is grouped to the east, in the vicinity of the junction of the road leading from Mabalacat to Magalang. This junction is not shown on some of the maps. It is formed by a road leading northwest from Magalang and the road leading almost due east from Mabalacat, and not the road leading due north from Magalang. The left of this regiment is about 2 miles from this place. The location of the troops is very favorable tactically. They are well secured by outposts, and the balance of the day will be given to rest, as the heat has been very oppressive. To-morrow I shall get contact in front of Bamban and develop that position, which has heretofore been regarded as very strong, but which by present information is not now strongly held. If my recent letter to chief of staff is viewed favorably, it seems we have a most excellent opportunity for putting it into execution. The track is intact a mile north from Angeles. From the end of the track to between kilometer 83 and 84 the rails are removed and track taken up and destroyed. Then comes a section of nearly 2 miles from which the rails have been removed, but the roadbed is undisturbed and the ties in position. The balance of the road into Mabalacat—rails, roadbed, and ties—is destroyed. The Thirty-second Volunteers now constitute the garrison at Angeles, with Hobb's battery (which is not yet fully reorganized) and various detachments of regiments left behind to guard property.

MACARTHUR.

MANILA, November 8, 1899.

General MACARTHUR, *Mabalacat*:

General Lawton moving from Aliaga and Talavera; much impeded by heavy rains. Wheaton should have landed at San Fabian yesterday. These columns will give the insurgents entertainment. Aguinaldo, with plunder, reported to have left Tarlac November 1 for Bayombong. Now time for your column to move up railway with celerity, and it will receive assistance from other columns. In fact, Tarlac troops opposed Lawton yesterday. You should move on Bamban at once, and it is suggested that if by reconnoissance large force of insurgents discovered there you leave a containing force, making a flank movement by the Magalang, Santo Bartolomeo, and Concepcion road. It is quite necessary to keep roads to your rear and the Porac country guarded. Six companies Kobbe's regiment moving to San Fernando to-day; other six companies to-morrow. This releases Lawton's present force at Arayat, Cabiao, and San Isidro, and your right will be protected. Magalang is an important point; a small force should be kept there. Move northward in the direction of Tarlac with as much dispatch as possible, choosing such roads as appear to you best—on railway if insurgents have withdrawn much force, otherwise by way of Concepcion and Murcia. Secure such transportation as you may need to transport subsistence, by hire if possible. It is too late to save much of railroad, but you can accomplish something in that direction by a prompt advance. A force consisting of the Ninth, Twelfth, and Thirty-sixth Infantry, the bulk of your artillery, and your two troops of cavalry, should be sufficient to take care of itself wherever in that country placed, and it is not believed that you will find much force. This gives the Seventeenth, Twenty-fifth, and Thirty-second regiments to look after country in your rear as far back as San Fernando. The *Laguna de Bay* will be sent to Guagua very soon.

SCHWAN, *Chief of Staff*.

General MacArthur was poorly provided with transportation at this time—a large part of his wagon train, which he had placed in good condition, having been sent to General Lawton under an emergency. He also desired to make special disposition of the Seventeenth Infantry

and had not intended to leave a force at Magalang or Porac. He therefore telegraphed the difficulties which beset him, and the following correspondence by wire resulted:

MANILA, November 9, 1899.

GENERAL MACARTHUR, *near Angeles*:

Your orders contemplate that you at once get contact with and ascertain strength of enemy in your immediate front at Bamban, and that you then push forward on railroad or on parallel roads a mobile column, the composition of which is left to your judgment. The presence of bands of ladrones everywhere requires that your rear be well guarded, but after Magalang shall be covered in front, troops there at Mexico and Santa Ana may be reduced or withdrawn. Your mule transportation is sufficient to haul half or three quarters rations of hard bread and meat and full rations of other articles for seven or eight days for your field column, which should carry one day's rations in haversacks, and to some extent live off country. You are given full authority to seize and pay for subsistence, and funds for that purpose will, upon your request, be at once placed at your disposal. You are also authorized to hire or impress all additional bull carts which you may require. Within the limits of the above and previous instructions, the commanding general gives you full discretion and relies with confidence upon your prompt and energetic action.

SCHWAN, *Chief of Staff*.

MABALACAT, November 9, 1899.

GENERAL SCHWAN, *Chief of Staff*:

Your message of this morning explaining what my orders contemplate just received. Everything is now in full operation under high pressure to accomplish the end in view as set forth by you, and I think in a very short time results will be obtained which are entirely satisfactory. The only embarrassing part of your orders arises from the formation of details necessary to reoccupy Magalang and Porac, which I had determined for the time being to leave out of consideration. Magalang is 8 miles and Porac 6 miles from Angeles, and will necessarily require the institution of lines of supply, and also the restoration of the telegraph line to Porac. The insulated wire I was obliged to recover in order to get supply for the advance on this place. I also need the insulated wire on the Magalang line, as Captain Carr, the signal officer, informs me that he has only a few miles on hand and can't expect to have more than 8 miles when he gets everything at present available in Manila. In this light, the wire strung to Magalang is indispensable. My line of communication is well guarded without the occupation of either Porac or Magalang. Later on, if ladrones trouble these places, I can occupy them when less energy is required on the main line to the front. If authorized to suspend these movements for the present and recover the wire now strung to Magalang, I will accomplish substantially the same purpose as would result from occupation, by frequently sending strong reconnoitering parties to both places from Angeles. Please give me quick definite information about the wire to Magalang.

MACARTHUR.

MANILA, November 9, 1899.

Major-General MACARTHUR, *Mabalacat*:

You are authorized to suspend for the present the reoccupation of Magalang and Porac, and provide for the security of these places by frequent reconnoitering parties, as suggested in your telegram. Corps commander desires that scouting parties in direction of Porac be on lookout for Bataan troops moving via Florida Blanca. Wheaton effected successful landing at Lingayen Tuesday, with slight loss to his troops.

SCHWAN, *Chief of Staff*.

MABALACAT, November 9, 1899.

ADJUTANT-GENERAL:

Reconnaissance made in immediate front to-day—by Colonel Bell on the left, in the mountain; by Lieutenant Slavens directly in front on the road, and by Colonel Smith on the extreme right, up the Concepcion road. Early got contact, and the

indications to-night are that the town is held with considerable but not a strong force. Lieutenant Slavens, in the center, was close enough to witness the destruction of a locomotive. The exploration on the left was a very remarkable affair. The party was composed of Colonel Bell himself, Majors Bishop and Luhn, Captain Hagerman, Lieutenants Pedlar and Cary, and 2 privates, all of the Thirty-sixth Regiment, and Lieutenant Hawkins and 10 men of Troop E, Fourth Cavalry. After an exceedingly skillful approach over the foothills of the mountains to the left of the town, by which they got in rear of a trench containing a company of 100 men, Bell charged with his party and routed the company completely without a casualty. He killed and wounded 19. Among the killed was the captain of the company. He captured 6 men and brought in 30 Mauser rifles—a performance, so far as I know, as yet without parallel in this campaign, as illustrating a combination of skill, determination, and audacity. What Colonel Smith has found on the right I can not yet report, as I have no wire to his headquarters, but that he got some contact I am sure from the heavy firing in his direction. The rain is making the road difficult, but we have succeeded to-day in bringing forward something over 20,000 rations in escort wagons alone. To-morrow I expect to repeat this, and in addition bring up a quantity of buffalo carts. We are meeting with considerable success in gathering carts, and although I am not prepared to state the exact figures I believe we have secured something more than 60. The chief quartermaster is earnestly looking after this matter now, but I shall have some definite figures perhaps before night. We have got far enough into the problem, however, to encourage the belief that we shall be able to establish a line that will carry us considerably beyond Tarlac, which point I hope to reach in a few days. To-morrow will be another day of preparation. Sunday morning, however, I shall initiate movement.

MACARTHUR.

MABALACAT, November 10, 1899.

ADJUTANT-GENERAL, Manila:

It rained very heavily during the night and left roads in bad condition. I don't yet know whether it will have any effect on my arrangements, as the movement of trains this morning has not gone far enough to show how much they will be retarded. The sky is not entirely clear, but some symptoms of sunshine are showing, and, as far as I can judge at present, if my movements are delayed at all it will not be for more than twenty-four hours.

MACARTHUR.

MANILA, November 10, 1899.

Major-General MACARTHUR, Mabalat:

Please telegraph me brief report of Smith's reconnoissance on Concepcion road.
SCHWAN, Chief of Staff.

MABALACAT, November 10, 1899.

General SCHWAN, Palare:

Smith's reconnoissance yesterday was on road (not shown on any map) parallel to the Concepcion road and about a mile west thereof. It resulted in fruitless contact with an outpost, but developed the fact that the road under exploitation was useless for our purposes. This morning Captain Chynoweth, Lieuts. W. D. Davis, Vanhorne, and Bradford, with Companies A and C, all of the Seventeenth Infantry, started to reconnoiter the Concepcion road, and at the junction of that road and the Mabalat road encountered a Filipino battalion, which was attacked without hesitation. The insurgent force was quickly driven from the field, leaving 29 dead in our hands, 4 prisoners, and 8 Remingtons. It is not known how many insurgents were wounded. The enemy, completely routed, retreated north. Our casualties, 3 men wounded, all severe. The affair was most creditable to all concerned. Captain Chynoweth showed a special aptitude for command and his officers and men fine soldierly spirit, resulting in rapid and effective execution. After the combat the Concepcion road was reconnoitered for 2 miles and the crossings of two streams examined. From information and observation up to this point it is probable that the road is clear to Concepcion, where the remnant of Aquina's command, which was formerly at Magalang, was assembled. My arrangements here are working out all right in spite of the rain.

MACARTHUR.

MABALACAT, November 10, 1899.

General SCHWAN:

I shall commence tactical action in the morning by sending Smith at 5 o'clock from the junction of Mabulacat and Magalang road in direction of Capas, by way of Concepcion, with his own regiment, over 900 on firing line, the two troops of the Fourth Cavalry, a platoon of artillery, and a detachment of engineers. At 9, after giving Smith time to get well advanced on his route, I shall make strong demonstration directly to front. Bell, with his regiment and a 1.65 mountain Hotchkiss, will commence a movement at 2 a. m. to a position which he has already located in the mountains, and from which he will operate as soon as demonstration in front is well under way. My cannon, which will be easily heard by both Bell and Smith, will be the signal for united action. In the meantime the town will be easily held by two battalions, which will be in the nature of a support and can readily be brought to the front in case of necessity. Have now on hand sufficient insulated wire to carry me to Tarlac, in which place, if good luck attends our efforts, I hope to be by Wednesday, if not sooner. So far as Tarlac, I think I have solved the supply question. We may have to haul a bit to readjust things.

MACARTHUR.

BAMBAN, November 11, 1899.

General SCHWAN:

Colonel Smith reached Concepcion at 9.15 a. m. and the railroad at Capas at 12.30 p. m. About a mile from the railroad he found an impassable stream, at which his artillery and a few wagons he took with him are now stalled. This will possibly delay us a little while, as a bridge must be built. He met considerable opposition, had to work under a disadvantage, and is afraid he did not inflict much loss. When he arrived at Capas he encountered 200 or 300 fugitives from in front of Bamban; got several volleys into them and charged with cavalry, but impassable roads made it impossible to get at them. He reports one man killed in Company F, Seventeenth Infantry, Private Thomas E. Gardiner, and Thomas Stokes, Troop E, Fourth Cavalry, also killed; and Private Charles R. Harpner, Company B, Seventeenth Infantry, wounded (left thigh), severe. Tactically the day's work has been more than satisfactory. Every combination has been carried out precisely as ordered, and this famous stronghold has been captured with four casualties only. The conditions were unfavorable for great execution. I am not able to report certainly more than ten or a dozen casualties among the insurgents, although there are indications that their losses are much larger. The defense was apparently made by something like 1,600 men, equally distributed between Bamban and Concepcion. It has rained hard ever since 1 o'clock. I shall make an effort, however, to reach Tarlac to-morrow, and hope that conditions may improve somewhat, but just at this writing it is still raining. Bell's regiment is now at Capas, so that our force at that place is ample for anything.

MACARTHUR.

BAMBAN, November 11, 1899.

General SCHWAN, Manila:

The railroad track is found intact about a mile south of the Paranao. The bridge is badly wrecked, as we already know. I notice that at least one of the piers was destroyed by some high explosive. The wrecks of eight locomotives have been found. They look pretty badly used up, but possibly some may be restored. Trains ran out of this place yesterday. In fact, I think they were noticed this morning, so I think we will be able to rescue considerable of the railroad at the first dash.

MACARTHUR.

BAMBAN, November 11, 1899.

ADJUTANT-GENERAL, DEPARTMENT OF THE PACIFIC:

Colonel Craig has a reconnoitering force in Porac to-day. He found the town well filled with people who had returned from the hills and hiding places, and who informed him that no insurgent troops had been seen in Porac since Colonel Bell's last visit.

MACARTHUR.

CAPAS, November 12, 1899.

General SCHWAN, *Chief of Staff, Manila:*

The rain yesterday and last night made progress to-day almost impossible. I shall not be able to take two regiments forward, as I hoped. I shall send the Thirty-sixth Infantry and a troop of cavalry with instructions to get contact and, if possible, get into Tarlac, if it can be done without too much risk. If strong opposition met, of course Bell will await until assistance arrives. If prudence requires it, he may even retire. The movement is a reconnoissance, so that he will be foot loose and at liberty to do anything the situation requires. I hope that he can get into Tarlac with little or no loss, and in any event we are sure to save considerable part of the telegraph wire and track, which is still intact so far as we can see ahead. The insurgents commenced taking up track at Bamban, but only removed a few hundred yards; otherwise the track is intact to this point and we are using mostly railroad wire between here and Bamban. The head of the train is at the cut about a mile south of here. Water too high to cross, but falling very rapidly, so that he will probably be able to cross this afternoon. Smith's train on the Concepcion road and his artillery possibly will not be all in before to-morrow morning. The pack mules of the Thirty-sixth enable us to make the strong reconnoissance to which I have referred above. Two insurgent soldiers surrendered to Major O'Brien, of the Seventeenth Infantry, and delivered their arms. I ordered the payment of \$30 for each gun. The men will be released and urged to communicate with their comrades, who are scattered through the swamps and bamboo jungles. My information is to the effect that 400 men retired northwest to O'Donnell and some 600 went directly north on train. In last week's work the brigades of Mascardo, Hizon, and Aquina have been practically disorganized and demoralized. I don't know where San Miguel is, but unless he is in my front, it seems to me that the organized resistance on this line is almost destroyed. Bell's reconnoissance this afternoon will, no doubt, give us important information on that point. Telegram of the 8th, from Aguinaldo to General Concepcion, and on the 10th, from Concepcion to Hizon, which were seized in Bamban, reveal with considerable certainty the fact, in official form, that the insurgent army is not only short of ammunition, but almost out of ammunition. During Chynoweth's fight General Concepcion made an emergency order to send ammunition from town of Bamban to town of Concepcion. This order was contained in the telegram above referred to. Aguinaldo in his telegram to Concepcion remarked, in effect, that skillful fire discipline might make the limited resources of the Filipinos equal to the unlimited resources of the Americans.

MACARTHUR.

CAPAS, November 12, 1899.

General SCHWAN, *Chief of Staff, Manila:*

Eleven men, armed insurgents, have surrendered, making 13 men, who have delivered to us 14 guns, one of the guns belonging to a sick man who has not yet come in. All of the men have returned to urge others of their comrades to come in and spread the information that every man who surrenders a gun will receive \$30, Mexican. Now that the thing has started, we may have a large number of surrenders. I would like if some arrangements could be made to have a considerable amount of silver available, so that we could make cash payments as the guns are delivered. I think the situation is now such that if we could just hand out the money every time we get a gun it would go far toward bringing about a collapse of the insurgent army on this line.

MACARTHUR.

MANILA, P. I., November 12, 1899.

General MACARTHUR, *Cupas:*

Officer will be sent to you to-morrow to deliver to you 5,000 Mexican dollars, public civil funds, for purpose specified in your telegram. This money will be invoiced to your chief quartermaster and disbursed by any officer you may designate.

SCHWAN, *Chief of Staff.*

CAPAS, November 12, 1899.

General SCHWAN:

Bell's column reached Murcia at 3 p. m. Encountered a party of 100 insurgents, who were run out by Lieutenant Slavens and the detachment of headquarter scouts. They rescued the station house, which had been set on fire. There was scarcely any

resistance, the enemy firing hardly a shot apiece. There were lots of wood, heavy timber, and railroad ties found about the station. Wagon roads very bad on account of heavy rains, upon which no signs of insurgents were found. The column proceeded and is now between Murcia and Tarlac, which town they will enter to-night unless heavily opposed. I have wire following close to the column and shall be able to report results before midnight. I had the Seventeenth and Twelfth, after a most exhausting day's work, concentrated at this point. All artillery and transportation is up, and to-morrow the whole command will move to Tarlac and take the place if it is not taken to-night. I have some encouraging reports about rails, which I shall be able to verify to-morrow or next day. Since my last report of surrendered guns 16 more have been brought in, all in good condition, and quite a number of Mausers among them. Most of the men surrendering guns are from Ilocos. I have been able to make a partial payment for each gun from secret-service money on hand, which I shall replace from the funds sent me to-morrow. I regard it as a very desirable policy to give these people a tangible sign of what we intend doing in the matter, so that the news may spread quickly among the insurgent soldiers.

MACARTHUR.

CAPAS, November 12, 1899.

General SCHWAN, *Chief of Staff, Palae:*

Rails all in place and in good condition between here and Tarlac. Seven or eight piles of rails, 30 or 40 in a pile, found near the track in the vicinity of that place. Did Young capture or destroy the bolo men he intercepted?

MACARTHUR.

CAPAS, November 12, 1899.

General SCHWAN, *Chief of Staff, Manila:*

My advance under Bell entered Tarlac at 7.10 this evening, and found it practically deserted. Bell's report simply states his presence, and that considerable of the rolling stock was burned in railroad yards, but says that some of it may be used. I shall move my entire force early in the morning to Tarlac and push north as rapidly as possible, with a view to saving the track. I shall direct Bell to make careful exploration to-morrow to discover the deposit of rails. I hope to be able to send more particulars before midnight.

MACARTHUR.

TARLAC, November 13, 1899.

General SCHWAN, *Chief of Staff, Palae:*

I have received your message directing me, under Washington instructions, to notify Aguinaldo, if possible, that he will be held personally responsible for injury done to Spanish or American prisoners. I shall make every effort to carry out these instructions, but I have not yet got contact, and fear that I shall not be able to for one or two days at least, as all of my energy will be required to establish a line of supplies. The wagon road from Bamban to Tarlac is indescribably bad. It is almost impossible to use it for purpose of supply, the recent rains having left it in almost a hopeless condition. Fortunately, I found here the running gear of a large number of freight cars that were destroyed by fire. These I propose to use instead of wagons for supply of the command. I shall establish relays of groups of 100 natives each at Bamban, Capas, Murcia, and Tarlac, and by this motive power push the cars up and down the track, which is in good condition. The wagon line from Angeles to Bamban is, I think, effectively organized. In this way I hope to accumulate a sufficient depot here for an extensive forward movement in a short time. The Twelfth Infantry is all in Tarlac, less two companies, which I left at Murcia. The advance of the Seventeenth Infantry is at Murcia with the artillery and wagon train. Two battalions of the regiment will be in to-night and probably the artillery and possibly some part of the wagon train. In order to get the wheeled vehicles along, we must floor a number of bridges and culverts and use the railroad grade for nearly 4 miles. This, I am informed by staff officers, is practicable, and there is some hope that the whole train will get in before midnight. If my push-car line works all right, I contemplate a forward movement, which I hope will throw me into connection with Wheaton, in which event it might be desirable to have a few more troops to guard

the line when I get it thoroughly organized. I shall extend the Thirty-second and Ninth to cover more ground, but it will be very satisfactory to know that if I could push rapidly to Bayambang, or even farther north, I would have additional troops, if necessary, to effectually protect my rear. Can I expect anything in this direction?

MACARTHUR.

MANILA, November 13, 1899.

Major-General MACARTHUR, *Tarlac*:

Your telegram received. The information conveyed therein is very satisfactory. We have no available troops here that could be placed subject to your call. A battalion has just been taken from the north line to reenforce Imus, an attack on which is threatened. It is suggested that you bring a battalion Twenty-fifth Infantry to Angeles and hold it there in readiness to support your contemplated forward movement.

SCHWAN, *Chief of Staff*.

TARLAC, November 13, 1899.

General SCHWAN:

I have your message suggesting the use of a battalion of the Twenty-fifth Infantry in connection with my further advance. I shall keep this in mind and act accordingly when necessity arises. As far as I can judge from indication the enemy on this line is pretty near a state of collapse, and I may get through to Dagupan without any further troops. I shall stretch the Thirty-second and Ninth out and perhaps use some part of the Twelfth on the line of communication, which will give me all of the Seventeenth and Thirty-sixth, and possibly part of the Twelfth, which may be enough. However, if I want the battalion of the Twenty-fifth, I'll send for it, but will not take it from its present station until I need it. I have something of a problem here to get my depot of supplies established, but I think it can be done in a few days.

MACARTHUR.

MANILA, November 13, 1899.

Major-General MACARTHUR, *Capaz*:

Latest information received makes it almost certain that, in connection with Wheaton's Brigade, Young's troops are now so disposed at Carrangian, Humingan, San Quentin, and Tayug as to practically shut off from insurgents all avenues of escape to the north and northeast. Lawton was yesterday at Talavera, beyond which point telegraph does not extend at present. Battalion of Thirty-fourth Infantry under Howze is at Aliaga, reconnoitering toward Licap. One-half of the bolo men referred to were captured by Hayes's troops at Carrangian.

SCHWAN, *Chief of Staff*.

MANILA, November 13, 1899.

Major-General MACARTHUR, *Capaz*:

Howze, with battalion Thirty-fourth, is reconnoitering toward and may occupy Victoria. Aliaga will not be abandoned.

SCHWAN, *Chief of Staff*.

TARLAC, November 14, 1899.

General SCHWAN:

In the railroad yard some 48 cars were found, all the woodwork of which, in most instances, is in serviceable condition. About 2 miles north of the station there are 2 locomotives, not badly wrecked. About a mile north of these are 2 more locomotives only partially destroyed. Still farther to the north and nearly 4 miles from town are some 40 more freight and flat cars, 10 of which have escaped burning. All of the locomotives can be easily repaired by the skill and ingenuity of the officers and men of the Thirty-sixth. One of them has already been placed on the track

and brought into town under its own steam. The tender was badly damaged and has been cut away, but by supplementary contrivances for furnishing water and fuel it is thought that she will be able to do considerable work. At all events, to-morrow morning at 8 o'clock she starts for Bamban with 20 flat cars which have been temporarily floored with galvanized iron taken from the ruins of burned railroad buildings. I am advised by the general manager of the railroad service that another locomotive will be under steam by noon and another by to-morrow night or following morning. The fourth engine will require heavy castings before using. If this steam service is successful, it will work between Bamban and here and between here and Gerona, and perhaps considerably farther if the washout is closed up, which I am advised can be done with a moderate degree of work. I will make a special report on the matter to-morrow. If it proves that these engines can be run with any degree of certainty, and we can get the gap ahead closed without the insurgents suspecting our purpose, I can leave all my wheel transportation here, be followed by trains carrying all my supplies, and be in Dagupan three days after I start and perhaps very much sooner. My purpose is to rush the track at such speed as to prevent destruction, and have locomotive with cars following up on the firing line with fifteen or twenty days' rations and the necessary material for repairing track which the insurgents destroy after I start to rush them. To-day the reconnoitering party went nearly 7 miles up the track, drove in a small insurgent party, and heard locomotives in the town. They are undoubtedly carrying off the stuff, but it indicates that the railroad line north of Gerona is still intact. My purpose will be to let them alone in Gerona for the present, so as to encourage them to continue their service till the very last minute and thus keep the railroad intact until we can make our arrangements to seize the whole thing by a stroke of hand. The rails found by Captain Bell, of the Thirty-sixth, yesterday number 2,500, making approximately 5 miles of track. The water pump and tank in the railroad yard is all right, and there is considerable wood fuel, as there is at several points on line.

MACARTHUR.

TARLAC, November 14, 1899.

General SCHWAN:

I have just received a note from Colonel Howze at Victoria, at which point he arrived last night with six companies of the Thirty-fourth. A more detailed report will reach you through his brigade and division commander, and which, as it contains nothing that requires immediate action by the department commander, I will not repeat, except to say that he arrived without any opposition. In connection with his arrival, please read my long dispatch just sent, as his presence near Gerona may cause a sudden evacuation and destruction of track by insurgents, which just now I should regard as very unfortunate. It is raining here again very hard, but I am glad to say that all of my train is in from Murcia and my entire field command concentrated at this point.

MACARTHUR.

MANILA, November 14, 1899.

General MACARTHUR, *Tarlac*:

One of the largest rice mills on the island, owned by Smith, Bell & Co., is at Gerona, an important point, to which it might be well for you to advance a detachment at once. It is believed that large amounts of rice and other provisions and supplies are stored at Gerona and that valuable captures can be made there. Wheaton had nearly completed landing his supplies on the 11th at San Fabian. The day before Major March's battalion of the Thirty-third Volunteers attacked 400 insurgents who had intrenched on the Magaldan road $2\frac{1}{2}$ miles from San Fabian, driving them from their works, killing 14 and capturing 14 rifles. March had 2 men wounded.

SCHWAN, *Chief of Staff*.

MANILA, November 14, 1899.

Major-General MACARTHUR, *Tarlac*:

General Lawton's advanced troops under Young now extend as far as San Manuel and Asingan, each of which places is held by one troop. Wessells captured yesterday 30 bull carts carrying records of insurgent war department and the entire printing press of the *Herald of the Revolution*. Communication appears not to have been established as yet between Wheaton and Young.

SCHWAN, *Chief of Staff*.

BAMBAN, November 15, 1899.

General SCHWAN:

Two serviceable engines and about 15 cars that can be used between Bamban and Tarlac. Bamban bridge 350 feet long and 30 feet high; two spans destroyed and two more crippled. No material at bridge. Necessary to haul it. Supplies can be taken from railroad 3 miles above Angeles. Rails from Manila should be rushed. Need 180 rails per day. Transfer of rails from here across river difficult. Will do it and haul ties from Angeles by cart so as to work both ways. Dirt roads from Mabalat to Bamban becoming bad. Rails to Angeles means a great deal in shortening haul of subsistence and railroad material.

SIBERT, Chief Engineer.

MANILA, November 16, 1899.

General MACARTHUR, *Tarlac*:

Every effort will be made at once to repair washout and restore railroad. Accordingly orders have been issued assuring adequate working force and ample supply of material to Captain Sibert, chief engineer, who has been instructed to proceed to the place of the washout. Meanwhile the department commander directs that a reconnoitering force consisting of Bell's regiment, its pack train, one additional infantry battalion and one troop of cavalry move forward at once, if practicable, as far as Bayambang to determine enemy's strength in your front. Commanding general thinks enemy keeps fully informed of your movements, and that rolling stock can only be saved by quick action on your part.

SCHWAN, Chief of Staff.

TARLAC, November 16, 1899.

General SCHWAN:

Replying to your message just received, I will advance in thirty-six hours, but must take train. There is nothing left in way of food supplies on line of railroad. Everything has been issued out. People are destitute and troops cannot live on country. I recommend bringing forward with the greatest dispatch the entire constructing force of the railroad to force our improvised trains over the washout. This with a view of reaching my moving column by rail before wagon supplies can be expected and thus avoid the necessity of having to send back for rations. The line of supplies from Angeles to Bamban is well organized and can be kept open so that railway construction between Angeles and Bamban can be kept up regularly. After cars are across washout I can cut loose from wagons and be at the end of the road in a few days. Under the circumstances, I ask that orders issue to-night for all the available railroad force to get to Tarlac as quickly as possible, and that construction work at the washout be pushed to the utmost, under which conditions trains can be passed in four days and probably less from the time work is commenced. In consequence of heavy rains which have not yet ceased, the wagon road is almost impassable and progress with wagon train will necessarily be tedious and slow. Looking to ultimate progress, I believe the time would be saved in the long run if my troops are kept here a few days to do preparatory work before arrival of railroad people and to assist in cribbing the washout if rain abates, but unless otherwise ordered I shall regard your message of to-night as an emergency order and advance in thirty-six hours. Please let me know to-night views of department commander, so I can adjust my scheme thereto.

MACARTHUR.

MANILA, November 16, 1899.

Major-General MACARTHUR, *Tarlac*:

Following telegram sent by me to Captain Sibert at Bamban early this morning is repeated for your information: "General MacArthur is extremely anxious that the washout north of Tarlac should be at once repaired sufficiently to admit of passage of trains. You will at once proceed to the place of this washout, and if on examination you find that it can be repaired within, say, three or four days, concentrate your efforts upon the work, using all your available and obtainable construction force and material for its accomplishment."

SCHWAN, Chief of Staff.

TARLAC, November 16, 1899.

General SCHWAN, *Chief of Staff*:

Reconnoitering force organized and ready to move. Will start as soon as it is possible to cross washout. It is not raining now and the river is lowering quite rapidly. If it does not rain during the night and water continues to subside, the party will probably get off sometime to-morrow. The weather conditions are very uncertain at present, and it is impossible to forecast what the conditions will be in the morning. Captain Sibert was not very much encouraged when he looked at the job, and in the present condition thinks, of course, work on the track is out of question. The water runs out, however, almost as fast as it rains, and by to-morrow night possibly he may find the conditions favorable to commencing work the next day.

MACARTHUR.

TARLAC, November 16, 1899.

General SCHWAN, *Chief of Staff, Palace*:

Morning report from washout discouraging. The channel is quite half a mile wide and in many places 5 or 6 feet deep. Work under present conditions on the cribbing impossible. Sibert, however, can have time to make preparation so far as bringing forward men is concerned. But my report from Bamban is to the effect that the Paranao south of the town is almost impassable, so that wagon supplies beyond that point can not be gotten forward. The water in the Paranao will quickly run out when the rain stops. In the present condition of the washout it is impossible to get either men or pack mules across, but by morning we may be able to make a passage. In any event you may be sure that every effort will be made to push this reconnoissance as quickly and as rapidly as possible.

MACARTHUR.

TARLAC, November 17, 1899.

General SCHWAN:

I am just leaving with the reconnoissance for Gerona, and Bayambang, if possible. I have picked men of Thirty-sixth, a battalion of 250 men of the Seventeenth, 50 cavalry, headquarter scouts, pack train, and bearers carrying six days' rations for the whole outfit. Water falling rapidly at washout. Expect to cross before further rain prevents us. I shall have wire connection for considerable distance, if not all the way to Bayambang. Spanish prisoners in this morning say that track was all right yesterday as far as Bayambang. They also say that they had been told that American cavalry had entered Bayambang. They also reported a number of insurgents at Panique, under Garcia. These are rumors, however, to which I attach little weight, and I simply repeat them for what they may be worth, connected with information you may have from other directions.

MACARTHUR.

MANILA, November 17, 1899.

Major-General MACARTHUR, *Tarlac*:

Report of your departure on your reconnoissance just received. No official information from Young's brigade or Lawton's column received since the evening of the 14th instant. Telegraph line in operation as far as San Jose this morning. Howze's battalion Thirty-fourth Volunteers has been ordered to proceed from Victoria to Rosales, one party going west and the other east of Laguna de Canaren, the latter via San Juan de Guimba.

SCHWAN, *Chief of Staff*.

EL BENDIO, November 17, 1899.

General SCHWAN, *Chief of Staff*:

The head of my column has just passed the washout. All the men will be over in the course of an hour and a half or two hours. Pack train a more difficult problem. Could not pass on wagon road and are now being brought around to pass on the right of the railroad. If we can get everything over before another storm, which is not threatening, we will be all right. I have telegraphed Captain Sibert that the water

is falling very rapidly, and unless we have another heavy rainfall he can commence work to-morrow. I have six days' rations, and my hope is that supplies can reach me by rail before they are exhausted, which will be the case if our trains are able to pass the washout. I have asked Sibert to expedite matters as much as possible to this end, and would be glad also if you would keep your eye on the matter and push it as much as possible.

MACARTHUR.

BAMBAN, November 17, 1899.

General SCHWAN, *Palace*:

Rivers are falling. Bamban ford nearly practicable. Troops and supplies transferred over bridge yesterday and to-day. Will commence on Tarlac break in the morning and concentrate on it. Bamban bridge can not be repaired in less than ten days.

SIBERT, *C. E.*

MANILA, November 18, 1899.

General MACARTHUR, *Gerona*:

Dispatches from General Lawton dated yesterday. He was on road between San Nicolás and San Manuel. Ballance, Twenty-second Infantry, was in Rosales on the 15th, and General Young in Asingan; both about to move northwest to Pozorrubio, where the insurgents reported strongly intrenched. Troops living entirely on country. Have taken many prisoners, rifles, and large amounts of property. More stores and troops will be sent Wheaton to-night. It is not believed that you will meet with much, if any, resistance in your advance up railroad. Bayambang should be occupied as soon as possible.

SCHWAN, *Chief of Staff*.

GERONA, November 17 and 18, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The head of my column entered this town about 4 o'clock and by 6 everything was in and comfortably housed. After passing the washout the march was entirely satisfactory. The only accident in passing was the loss of one pack. Immediately after arrival I sent scouts up the track and they have not yet returned. I think they must have gone very near, if not quite into, Panique. The property of Smith, Bell & Co. is apparently all right. I have not examined the interior of the building, but the exterior of the premises shows that they have never been molested. As soon as supplies can be brought forward I shall have two companies of the Ninth Infantry here. There are two small washouts on the road above. They are trivial affairs, however, and if no more rain falls can be repaired in an hour or two; otherwise the track is in excellent condition from the big washout to this point. The station here is the only house destroyed. This is the first town on the line where the people have shown any spontaneous cordiality. Many or a majority remained in their houses and the women who fled to the woods returned when assured of proper treatment. The padre and head men of the town provided quarters, and altogether the experience is entirely different from that met with in any other town we have entered. The weather is fair to-night and the forecast for to-morrow is favorable.

MACARTHUR.

GERONA, November 17 and 18, 1899.

General SCHWAN, *Chief of Staff, Manila*:

My headquarters scouts, under Lieutenant Slavens, are in Panique. He reports 4 locomotives on the track. They have been placed in collision, but have not left rails. He reports also 13 cars in good condition and 23 burned. The station house is not burned. Lieutenant Slavens says that people declare positively that Bayambang is occupied by our troops, and that the track is all right to that point. I send forward at once two companies to occupy Panique, secure the railroad property, and a detachment of railroad men to see if we can organize another train to return between Bayambang and the washout. Everything indicates that many of the insurgents have gone into the mountains of Zambales.

MACARTHUR.

MONCADA, *November 18, 1899.*

General SCHWAN:

Arrived at this place about 5 with improvised train, 2 battalions Thirty-sixth and 1 battalion Seventeenth. Arrested temporarily by wreck of 2 locomotives and 54 cars about 1½ miles north of the town. Will require considerable work to clear the line. Will occupy Bayambang to-morrow and possibly reach considerable north thereof. Had native as far as Calasiao, who reports the line all right to that point, except numerous obstructions in the way of wrecked locomotives and cars in the neighborhood of Calasiao. My emissary was stopped by unarmed men and not allowed to proceed. No armed insurgents were found, but he was unable to determine if any force remained in Dagupan. Where is Wheaton, and in which direction is he operating now? It is probable that I will get into connection with him in vicinity of Dagupan.

MACARTHUR.

PANIQUE, *November 18, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

I have a locomotive with steam and am organizing a train to carry forward a train of 500 men. I sent a native from here to Bayambang to communicate with our troops if there. He returned this morning and reports neither Americans nor insurgents between here and Bayambang or in that town. He says that the road is all right and all the bridges intact, including the big bridge across the Agno. I can not say precisely when I can clear the track and get the train started, but I shall leave as soon as possible and go north until I get contact with something or get into Dagupan. When I leave here we shall lose wire connection, probably, for a little while, but if my locomotive holds out and the track remains unobstructed I will get word back very soon.

MACARTHUR.

BAYAMBANG, *November 19, 1899.*

General SCHWAN:

I occupied this town at 4.30. Track and all bridges from Moncada here, including the bridge over the Agno, in excellent condition. I have a battalion at the front now and a train with orders to advance until they meet some impassable obstruction, the result of which exploration I will report later in the evening.

MACARTHUR.

MALACASAN, *7.30 p. m., November 19, 1899.*

General MACARTHUR, *Bayambang:*

Proceed cautiously, keeping fair force at Bayambang until we get some information from either Lawton or Wheaton. Not known where they are, but think in the vicinity of San Fabian or Pozorrubio. Dagupan may have good many insurgent troops. They can not proceed north, as Lawton is across their roads. Department commander would like to keep insurgents there until they can be hemmed in.

SCHWAN, *Chief of Staff.*

BAYAMBANG, *November 19, 1899.*

General SCHWAN, *Chief of Staff:*

Battalion of Thirty-sixth under Colonel Bell proceeded to end of track, which terminates a mile and a half this side of Calasiao, to which point the roads and bridges are in good condition from end of track. Colonel Bell took a patrol into Calasiao and was there informed by an intelligent native that our troops are in Dagupan. Bell employed man as messenger and sent note addressed to our commanding officer at this point. To-morrow I shall be able to determine definitely the situation, either by open communication with Bell's messenger or by our own explorations. From the end of track reached by Bell the native referred to says the track is torn up to Dagupan and all the rails removed. By the time Bell had finished his inquiries it was 10 o'clock, and he returned to this point in accordance with his orders. It seems probable that the insurgents are now in Dagupan, but I have your message expressing wishes of department commander not to hurry occupation of the

place, and if insurgents are found in the town I shall act accordingly. All stations between here and Calasiao are intact and the telegraph wires in place. Bell brought back 7 passenger coaches in good condition and 4 good flat cars and reports a number of other cars in a serviceable condition. One wrecked locomotive was found on bridge of Calasiao.

MACARTHUR.

BAYAMBANG, November 19, 1899.

General SCHWAN, *Palace*:

The Filipino captain who surrendered to General Burt day before yesterday conducted Captain Leonhauser and his battalion of three companies to O'Donnell. The captain reports from Capas to-night through General Burt that he captured over 200 rifles, 4 officers, 100 soldiers, 1,000 rounds ammunition, 20 ponies, 14 carabao and carts; that he destroyed a great quantity of uniforms and official papers and secured 5,000 pounds rice, 1,300 pounds salt, and 1,400 pounds sugar. The reloading factory there was of no consequence. One Filipino soldier killed in town. No casualties in the Twenty-fifth. I have directed the Filipino soldiers to be released and the officers retained. Shall the officers be sent to Manila? I think perhaps it would be just as well to turn them loose and tell them to go out and bring in men to surrender arms.

MACARTHUR.

MALACASAN, about 7.30 p. m., November 19, 1899.

General MACARTHUR, *Bayambang*:

The towns of Malasiqui and Bayambang, 9 miles apart, seem to be important. Half of your present force in the first-named place could possibly ascertain how much of the insurgent force remains in Dagupan and if any of it retreated eastward into the rice country south of Lingayen.

SCHWAN, *Chief of Staff*.

MANILA, P. I., November 19, 1899.

General MACARTHUR, *Moncada*:

Wheaton's instructions contemplate operations eastward to close avenues of escape to the north and to connect with Lawton—not occupation of Dagupan at present. Sibert hopes to be able to run cars, not engines, across washout at Tarlac by to-night.

SCHWAN, *Chief of Staff*.

CALASIAO, November 20, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The track ends at kilometer 190, at which point I have a train. I have brought forward two companies to this point and have sent forward the headquarter scouts, supported by a company of the Thirty-sixth, to ascertain the precise conditions in Dagupan, which I will be able to report in the course of a few hours. The country is entirely free from armed insurgents. The people generally are remaining in their towns, and the fields are swarming with laborers. There seems to be an absolute absence of all timidity or fear, and the conditions seem to me very favorable. All information confirmed the first reports to the effect that the armed insurgents have gone toward Zambales, in what numbers it is hard to say, but apparently in remnants numbering altogether possibly less than 1,500 men. After completing my reconnoissance here I shall return to Bayambang this evening and occupy this place or San Carlos with troops that I shall bring forward to-morrow from Tarlac, where I go for rations. The attitude of the natives is a plain indication that there are no insurgents in the vicinity and that they are not expected to return at an early date. I found this morning at Bayambang the press of *La Independencia*, the last issue of which journal was made, I believe, about the 12th instant. It is in one of the camarines of Smith, Bell & Co. and is in a secure place until we want to ship it to Manila. We are using the railroad wire, which we found in a very fair condition from Bayambang here. I have a lineman and an operator with me, who are giving most excellent service. Concentration of my troops at Panique will commence to-morrow or next day and soon thereafter we will be able to make reconnoissance to the west.

MACARTHUR.

CALABIAO, November 20, 1899.

General SCHWAN, *Chief of Staff, Manila:*

Reconnaissance to Dagupan; entered the town, in which no insurgents have been for four days. Our troops, probably the Thirty-third Infantry, were in there yesterday and left at 5 p. m. that day. The rails are on the side of the grade, probably in sufficient numbers to rebuild the road, so that the track can be easily reconstructed when the time comes for that purpose. We can occupy the place whenever we want to now, and I take considerable satisfaction in reporting that the entire line from Manila to Dagupan is now in our possession. Unless otherwise ordered I shall not give this end of the line very much attention at present. My purpose will be to locate the enemy and devise some way of following him. All reports agree, however, that whatever force is left of the insurgents' army which formerly occupied this line is making its way to Zambales and Bataan, but with line of road once open and operating throughout its entire length, we will be able to make combinations against any point the insurgents may choose to occupy. We can concentrate ourselves easily and put out columns to the west, as I formerly suggested in a letter about putting out columns to the east. The great difficulty now is to determine if we have any armed force at all in position with sufficient organization left to be regarded as an army. I think, however, by persistent inquiry we will get some definite information in a very short time. The one thing now apparent is that there is no armed force against us north of Tarlac and in vicinity of railroad. I return to Bayambang this evening.

MACARTHUR.

BAYAMBANG, November 20, 1899.

SCHWAN, *Manila:*

Information received here is to the effect that the remains of insurgent force on this line has retreated to west and is now concentrating at Camiling and Mangatarem. The intention declared is to get into Zambales and from there institute a system of guerrilla warfare. I now hold Panique with battalion Thirty-sixth and a troop of cavalry, and have ordered a concentration at that point of all my force now at Tarlac, but intended as garrison for that town and Gerona. From Panique my wagon transportation and artillery must come forward by way Camiling, as there is no possible wagon road contiguous to the railroad. This will enable me to sweep that part of the country, executing a march which would be necessary in any event. Train to Bayambang I have or will have when the country dries up a little. Road to Mangatarem and from San Carlos on to Lingayen I can explore when I get my cavalry forward. To-morrow I shall go to the end of the track and otherwise spend the day in investigation of the general situation and perhaps by night be able to submit some definite information or useful suggestion as to future progress. Day after to-morrow I shall be obliged to send my rail transportation to Tarlac for supplies, which I am informed will be across the washout in abundance by that time, although cars will not be able to pass for some days. There are quite a number of prominent fugitives here, among them Chuidian and Lingay. I am told that Flores, Aguinaldo's secretary of war, is in a neighboring barrio and is anxious to know if he will be treated as a prisoner if he comes in and presents himself, as he calls it. What shall I say if this question is propounded to me? What insurgent troops and what insurgent general did Wheaton meet at San Jacinto?

MACARTHUR.

MANILA, P. I., November 20, 1899.

General MACARTHUR, *Bayambang:*

Your telegram outlining proposed movement from Panique against insurgents reported as concentrating at Camiling and Mangatarem received and fully understood. Department commander desires that you secure Chuidian, treasurer of insurgents, and send him to Manila. You are authorized to receive surrender of Flores as prisoner of war. Capture him if you can. Strength of insurgent forces defeated by Hare's regiment of Wheaton's column on 9th instant estimated at 1,200. Name of insurgent commander of defeated troops and general commanding troops in Wheaton's front not known.

SCHWAN, *Chief of Staff.*

MALACANAN, November 20, 1899.

General MACARTHUR, *Bayambang*:

No late information from Lawton or Wheaton received here. Telegraphic communications with San Fabian would greatly facilitate conduct of operations. If practicable, department commander wants your scouts to go beyond Dagupan and feel their way in direction of San Fabian, examining condition of telegraph line between the two places. Possibly line may be intact or nearly so.

SCHWAN.

BAYAMBANG, November 21 and 22, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Your message about feeling my way toward San Fabian received. I will make every effort to carry out the wishes of the department commander in that respect. It will possibly be several days before I can get everything in hand, however, to make that connection. Colonel Howze is here with five companies of the Thirty-fourth, and has received orders from his brigade commander to go into Dagupan to refit. I will take him up to-morrow to end of track, from which point he will only have 4 miles to march. I will request him to examine the road toward San Fabian and get the connection. The personnel of the signal corps is nearly exhausted, and we will either have to get more men or abandon some of our offices, which just now, when we want to watch every foot of territory possible, would be very unfortunate.

MACARTHUR.

We will now suspend temporarily the review of the operations of General MacArthur's force and consider the results of General Wheaton's expedition to Lingayen Gulf, thereafter bringing forward the movements of General Lawton's troops to the latter part of November. The foregoing presentation of occurrences along the line of the railway shows that the insurgents exerted themselves to the utmost to destroy the road, with its rolling stock and station property. It was due to the vigor and celerity with which the enemy was pushed back that any portion of the railway property was saved. The advance from Angeles to Dagupan revealed the following conditions: Seven miles of rails had been removed, and the ties piled and burned between Angeles and Bamban. The bridge over the Paranao, which originally consisted of four 71-foot spans, was wrecked. The south abutment with adjacent pier and 125 feet of embankment had been washed out. The south span was on the ground. One pier of the next span had been dynamited and had settled $2\frac{1}{2}$ feet, and the pier of the next span had also been injured by dynamite. Prior to the blasting of the piers the three spans had been jacked up and then lowered on greased metal plates, when an engine was driven at full speed against the north end of the bridge, with the result that the entire superstructure was moved lengthwise 10 inches. This bridge was about 30 feet above the surface of the stream.

North of the Paranao the next very serious obstruction was the washout north of Tarlac, which, when the Tarlac River was at its flood stage, was over 2,000 feet wide. Through this the water was shallow except for a few feet on the north side, where it was swift and deep. The bottom was unstable, consisting mostly of quicksand. This washout was due to natural causes, and was the result of a recent freshet. The river formerly flowed along the west side of the track and emptied its waters into Lingayen Gulf. For a distance of one-half mile the track was lower than the bed of the stream—the stream being confined by an embankment which it broke through, washing out the railroad bed, and the river being divided discharged part of its waters into Lingayen Gulf and the other portion into the river

Chico, which flows into the Rio Grande Pampanga, emptying into Manila Bay. It was confined again to its original bed by the reconstruction of the embankment and the track placed in its original position. North of the Tarlac washout only minor repairs were required until a point $3\frac{1}{2}$ miles south of Dagupan was reached, and from there to the latter place the track had been removed by the insurgents and nearly all the ties burned.

The work of repair, requiring a high order of engineering ability and great celerity, that the advancing troops might receive supplies, was performed by Captain Sibert, of the Engineer Corps, with two engineer companies and 300 Chinese laborers, the troops making the minor repairs to the road as they advanced. Two-thirds of the rolling stock had been destroyed or rendered unserviceable, and that all was not destroyed was due to the ignorance of the insurgents, whose methods of destruction appear to have been very primitive. Through service over the entire railway from Manila to Dagupan was effected by December 21.

When General MacArthur's troops were directed to advance from Angeles on November 5, General Wheaton was ordered to proceed to Lingayen Gulf and make lodgment at or near San Fabian. He was directed to close all roads leading north from Dagupan, and it was expected that he would later communicate with General Lawton's detachments to the east. His expeditionary force consisted of the entire Thirteenth Infantry; headquarters and 11 companies Thirty-third Infantry; a platoon of Ludlow's Battery, Sixth Artillery; 2 officers and 30 enlisted men of the Engineers; 1 officer and 13 enlisted men of the Signal Corps; a Hospital Corps detachment; and 225 Chinese laborers. His transportation was the Government transports *Sheridan* and *Aztec* and two coasting vessels chartered for this service. He was convoyed by the naval vessels *Callao* and *Manila* and subsequently joined by the *Oregon*, direct from Hongkong. He sailed on the morning of November 6, and arrived opposite San Fabian the following day. His report of November 8, received on the 9th, is as follows:

Arrived at San Fabian yesterday p. m. Landed one battalion Thirteenth and one of the Thirty-third Infantry at 4:40, the Navy firing on the insurgent trenches. The enemy, estimated at 300, was turned out of intrenchments by a flank movement from the north and fled in the direction of Dagupan. Aided by the Navy we landed 2,000 men in two hours and twenty minutes. One battalion Thirteenth Infantry, Captain Buck, reconnoitered to-day to San Jacinto, encountering small parties of the enemy. A battalion of the Thirty-third Infantry, under Major March, made reconnoissance to the vicinity of Mangaldan, encountered 200 men, killed 8, captured 2 wounded officers. Another battalion of the Thirty-third, under Major Logan, reconnoitered Santo Tomás road beyond its junction with the San Rosario road. Insurgent force encountered, estimated not to exceed 50, who fled north. Excepting Santo Tomás road, all roads impassable for wheeled vehicles. Will soon complete unloading of supplies, which surf on beach renders difficult. Twenty-six Spanish prisoners escaped to us and reported that 300 impressed recruits had escaped from the enemy to the mountains during the bombardment. These recruits were en route to Dagupan. The force at Dagupan is estimated at 1,500 men. Everything favorable, and cooperation of Navy complete.

Before the reception of this report I received a verbal statement from a young naval officer, who brought dispatches from Lingayen Gulf to Admiral Watson by the *Manila*, to the effect that the landing of General Wheaton's troops was made at the town of Lingayen, west of Dagupan; that the sea was so rough it was found impossible to make a landing at any near point north or east of the last-named town.

This information was immediately telegraphed Generals MacArthur and Lawton, and caused the former to feel out for Wheaton's troops in an erroneous direction, but correct information being given within a few hours no casualty ensued. On November 11 General Wheaton reported in substance as follows:

Battalion of 400 insurgents came over Mangaldan road yesterday and intrenched 2½ miles from San Fabian. Major March, with his battalion of the Thirty-third Infantry, was sent to attack them. He carried their works, they leaving 14 dead therein. The insurgent commandant, Lieutenant-Colonel Carlos, was among the killed. Forty-one rifles were found. Major March had 2 men killed. Insurgents fled to Mangaldan toward mouth of Dagupan River. The enemy is now reported in some force at San Jacinto, and we will attack them to-day. Unloading of supplies will be completed this morning. We will be compelled to land stores at Santo Tomás in ordinary weather, on good road. Insurgents' line is San Jacinto, Mangaldan, Dagupan, and mouth of Dagupan River. Our position closes communication with the north coast excepting through mountain trails by way of Pozorrubio.

And on November 12 he reported:

Yesterday at 9 a. m. the Thirty-third Infantry, Colonel Hare commanding, assisted by one Gatling gun under Captain Howland of my staff, attacked 1,200 insurgents near San Jacinto. The intrenchments were carried with heavy loss to the enemy. Eighty-one of their dead found, actual count. Our loss, Major Logan and 6 men killed, and 1 officer and 11 men wounded. Major Logan fell while gallantly leading his battalion. The insurgents fled to the north and east into the mountains of Manaoag, having lost in killed and wounded some 300 men. There are no armed insurgents in the vicinity of San Jacinto to-day. Colonel Hare returned this afternoon.

No further information was received from General Wheaton until November 20, as he was not in telegraphic communication with Manila and was obliged to send his dispatches by water, taking advantage of vessels sent from Lingayen Gulf to headquarters as occasion offered. On the last-named date a report, dated the previous day, was received from him, in which he stated:

My troops are now at San Fabian, San Jacinto, Manaoag, and toward Binalonan. To-day a battalion of the Thirteenth Infantry was sent to Dagupan to ascertain condition of affairs there. So far as I can learn insurgent army has disintegrated. I have had my forces at Santo Tomás, Rosario, and on the 16th instant went with the Thirty-third Infantry to San Jacinto, sending one battalion by way of Alava and Pozorrubio, and thence to San Jacinto. There was slight resistance near Celusa, but the insurgents scattered to the mountains. The Thirteenth Infantry had 4 men wounded on the Santo Tomás road near the San Rosario trail on November 15. General Lawton came here yesterday noon after my arrival from San Jacinto. I have my scouts in all country east of Rosario. The steamer *Francisco Reyes* has been lying off shore since the 17th instant, the surf being too high to permit her to communicate with shore. It will be necessary to occupy Dagupan and have all stores which are sent from Manila come there by light-draft boats, entering Dagupan River. All obstructions are said to have been washed out. I send this by the *Oregon*, which sails to-day, but will communicate full details of situation when my troops return from that vicinity.

This was followed by a communication of November 22, in which he reported as follows:

Am about to send a battalion to San Fernando to support General Young in his efforts to capture Aguinaldo. At last account he was one day's march behind Aguinaldo, who was making for Bayonbong, via Trinidad. General Lawton has requested me to send troops to Vigan and Bangued to release prisoners, but all of my cascoes have been wrecked, and it is impossible to embark troops on the beach here, as the surf is 10 feet high. I send back the *Brutus*, which is only partly unloaded. We have lost stores in attempting to unload. All stores must be sent in light-draft boats, drawing not to exceed 8 feet, and be sent up Dagupan River. The obstructions are all out, and we can get in there. Will send a battalion Thirteenth Infantry, under Captain Buck, to occupy the place. Buck was there with his battalion on the 19th instant. The insurgents had fallen back westward on the line of Salasa and

Mangatarem. They failed to get north by way of Manaoag, as my troops occupied all the roads. My command has had detachments in all towns north and east for 20 miles' distance, and am to-day having reconnoissance made toward Salasa. We have on hand about 70,000 rations. Nothing more should be sent here, but all should go to Dagupan. Will remain here except when operating in the field.

This communication was replied to on November 25, and General Wheaton was instructed to have two battalions of the Thirty-third Infantry, under Colonel Hare, march to Vigan, send the coasting vessel *Castellano* up the coast with rations, and have that vessel touch at San Fernando for the purpose of supplying the troops upon arrival, and thence continue northward to Vigan. He was further instructed to keep part of the Thirteenth Infantry in Dagupan to assist General MacArthur temporarily, and was informed that orders had been given to reconstruct the telegraph line from Dagupan to San Fabian as soon as possible.

We must now bring forward to date the movements of General Lawton's troops, which we left on November 16 on the San Isidro Cabanatuan, San Jose, Humingan, and Tayug line, with detachments in Aliaga, Carranglan, and near Bongabong, east of Cabanatuan. We mentioned the march of the five companies of the Thirty-fourth Infantry, under Lieutenant-Colonel Howze, from Aliaga to Victoria, which point he reached on November 13, and there communicated with General MacArthur's advance at Tarlac; also the orders given to Colonel Howze to continue his march north to Rosales by way of Cuyapo, while another force would proceed from Aliaga to that point by San Juan de Guimba. He reported his march from Aliaga to Victoria upon his arrival at the last-named place and sent it by messenger back to Aliaga. In that he stated that he found the roads impassable, and that there were many streams from 25 to 1,000 feet wide, some of which his men were obliged to swim; that he found plenty of insurgent trenches near Casanova and a regular fortification at Calaban, and that he had been obliged to live on the country, as rations could not be transported. He stated that the people were pleased at his approach and were tired of insurrection; that he received from a native a letter written by an American prisoner, which was dated Victoria, October 28, containing the information that there were 21 American prisoners there, and that they expected to be removed very soon to Bayonbong.

Lieutenant-Colonel Howze proceeded to Rosales, as directed, with the five companies sent by Cuyapo; but those sent by San Juan de Guimba were unable to pass north on account of high water, and moved eastward by Talavera to San Jose. Colonel Howze arrived at Rosales on November 18, but had been preceded to that point by Balance's battalion of the Twenty-second Infantry, which had passed from there on to the northwest by way of Villavis and Urdaneta. Howze reported that the road from Tarlac by way of Victoria was passable; that he had no engagement with enemy, but that his column had been of value in scattering an organized insurgent force at San Juan de Guimba, from which four insurgent companies had marched with two guns to Panique, and were joined by insurgents from Cuyapo. He reported that the insurrection was fast breaking up; that individuals were heading south, but that such portions of the enemy as remained organized were heading for San Miguel de Camiling; that Aguinaldo himself was between Victoria and Licap, and expected to go as an

individual either through Manila or by way of Zambales province to southern Luzon. Colonel Howze proceeded to Dagupan, where, with his five companies, he was ordered for temporary duty with the Second Division.

The movements of General Lawton's troops to November 15 are already recorded. General Young, in the advance with several troops of the Third Cavalry and a portion of the Macabebe scouts, was in the vicinity of Tayug and San Nicolás. He had pushed his cavalry westward to San Manuel and Asingan, where he had met and overcome considerable opposition. Batson's scouts held San Quentin. Ballance's battalion, Twenty-second Infantry, and the mountain battery held Humingan. Hayes, with the Fourth Cavalry, occupied San Jose and Caranglan, and the remaining troops were pushing forward or were occupying stations as far to the southeast as San Isidro. General Lawton, leaving his headquarters at Cabanatuan, was en route to join Young and had passed San Jose, beyond which all information had to be obtained through messengers, as the telegraph line did not extend west of that point. On November 14 he wired a report from Captain Ballance, stating that he (Ballance) had been ordered by General Young to proceed with three companies and two guns by direct road to Rosales, and that, leaving one company with his sick and transportation at Humingan, he would march for Rosales on that day. This he did, and on November 15 reported to General Lawton from Rosales, as follows:

Arrived here last night with the command heretofore reported. Had a skirmish at Matalban River bridge. Bridge destroyed. Built new one, strong enough for any wagon. This is about 7 miles from Rosales. The road for first 5 miles from Humingan is very good. It gets worse and worse after that, but it is passable for wagons. The bridge at Rosales has gone. There is a road around it, but a guide must be procured to pilot wagons through the swamp. Foot troops can pass on the direct road and over the river on a temporized footbridge. I captured here between two and three hundred cabans rice, 4 large boxes printing paper, 3 boxes writing paper, 4 boxes Filipino stamps, 50 haversacks, 46 pairs of drawers, 9 undershirts. The people are very pronounced in our favor. As I could not take the articles with me, and did not deem it advisable to destroy them, I placed them in charge of the presidente of the town, who seems trustworthy. Released 5 wounded prisoners (Filipinos) and gave them a pass to their homes in the province of Ilocos. I have a partly constructed raft prepared to cross the river to go to Villavis. I crossed the Agno at the barrio of Carmen, which is down the river and about 2½ miles from here. Insurgents were at Carmen this morning, but disappeared on approach of my scouts. Expect to be able to cross my command and go to Villavis to-night, where I hope to hear from Young. The reports are so contradictory concerning Aguinaldo that I can't locate him, nor the strength of his forces at Urdaneta. I am going to try to get a Filipino to take this to Humingan. If I had some money it would be much easier to get along without rations. I send this to you, as I don't know how I can communicate with General Young.

General Lawton reached Tayug on November 15, proceeded north to San Nicolás, and on the 17th, the day General MacArthur's advance entered Gerona (the first railway station north of Tarlac), and the day after General Wheaton's troops entered Pozorrubio and withdrew on road to San Jacinto, he telegraphed:

ON ROAD BETWEEN SAN NICOLÁS AND SAN MANUEL,
AND WEST AGNO RIVER,
November 17, 1899.

CHIEF OF STAFF, Manila:

I send by this messenger, to be forwarded to San Jose, end of wire, reports of Young and Ballance just received. I have been water bound here for two days, streams both sides of me being unfordable. It distresses me to report the death by drowning of Lieutenant Luna, Thirty-fourth Infantry, who was my acting aid, while following me through Agno River, 3 p. m. 15th instant; also two men of my escort,

as follows: Privates Holter and Bass, Troop I, Fourth Cavalry. It has rained almost constantly since leaving San Isidro, and I must again recur to the fortitude, courage, endurance, and cheerfulness of the whole command as worthy the highest consideration. It must be remembered that this command left Cabanatuan the 7th instant, carrying three days' rations on persons, since which time most of them have received no rations except such as they have captured from the enemy. Nothing so far has been heard of Wheaton. I shall communicate with him as soon as rivers can be forded. Were it not for enemy's stores we would be in desperate straits. As it is, we are wet, filthy, and cheerful. We are fearfully strung out, but the enemy seems demoralized and I have no serious misgivings. The wind shifted to the west this a. m., and I hope the rain will cease. Two days good weather and we will be on our feet.

LAWTON, *Major-General.*

ON ROAD BETWEEN SAN NICOLÁS AND SAN MANUEL, WEST AGNO RIVER,
November 17, 1899.

CHIEF OF STAFF, Manila:

Following just received from General Young: "Headquarters Cavalry Brigade, First Division, Santa Ana, Barrio of Asingan, November 15, 1899, 9.30 p. m.—Lieutenant-Colonel Wessells, Tayug: My cavalry struck battalion 300 insurgents near Manaog last night at dark. The first troop charged through them, scattering them to the right and left of the road. Chase's troop, my escort, struck them in the brush. Results: Enemy scattered in all directions; 15 prisoners, 36 guns, 4 dead on the roadside. No casualties on our side. Swigert with two troops took the road to Pozorrubio this morning. Chase's troop accompanied me as far as the river opposite Tayug, but we could not cross, and we returned to the barrio nearest Tayug on Asingan road. I sent dispatch to-night ordering Batson from Villavis to Binalonan; also Ballance, if he is there. If additional cavalry arrives, send two troops to join me at Binalonan, if they can cross the river. If additional cavalry has not arrived, send one troop from San Nicolás direct through to Binalonan, if it can cross the river. Have just received a dispatch from Swigert, stating that he has met with heavy resistance at Pozorrubio. He feels certain that Aguinaldo is there strongly intrenched. My cavalry made a march of 30 miles yesterday and fought a good fight at dark. Twenty carabao, with baggage containing uniforms, shoes, and rice, wearing apparel for women, etc., were captured and destroyed. Twenty-nine Remingtons and 2 Mausers were destroyed by bending the barrels and breaking the stocks, also many haversacks of ammunition. Bands of hats found in the morning were marked 'Bulacan Battalion.' Swigert says they have some artillery. He had two encounters to-day, carrying intrenchments in both, but did not get into Pozorrubio. Send answer by bearer at once. Send copy of this dispatch to General Lawton. (Signed) Young, Brigadier-General. Official copy respectfully furnished Major-General Lawton, by order of Colonel Wessells. H. H. Patterson, First Lieutenant, Third Cavalry."

LAWTON, *Major-General.*

A dispatch of the same date was received from General Young, and is as follows:

POZORRUBIO, LUZON, November 17, 1899.

Major-General OTIS:

Aguinaldo is now a fugitive and an outlaw, seeking security in escape to the mountains or by sea. My cavalry have ridden down his forces wherever found, utterly routing them in every instance, killing some, capturing and liberating many prisoners, and destroying arms, ammunition, and other war impedimenta. Aguinaldo is accompanied by his wife and several other women, and also by Generals Pilar and Tinio, with about 150 soldiers. I have sent Swigert with two troops to San Jacinto to feed and rest one day, and thence to return to Tayug, taking with him lame horses, barefooted and sick men left at Binalonan and other points. Parker, with detachment of Chase's troop, should reach here to-morrow from San Jacinto with some coffee, sugar, and salt. On his arrival I shall renew pursuit with Chase's troop and Macabebes. The route of the fugitives is through Alaya, Rosario, and probably to Benguet province. My men have had no supplies from Government for past five days. Many of them are barefooted, hatless and coatless, but their hearts are all right. The Navy should examine all ports from San Fernando (Union) northward. Please inform Major-General Lawton, as floods prevent my communicating with him by courier.

YOUNG, *Brigadier-General.*

Also a telegram from Captain Russel, of the Signal Corps, at San Jose, to the chief signal officer of the department, which contained the following information:

No couriers from Lawton yet. Rain has let up this p. m. Three troops Hayes's command in Carranglan. Rivers have kept them. No wire to put up here to Aliaga or San Juan. Estimated it is 40 miles from here to Tayug, over frightful roads, and need all wire coming for that line. Rations are scarce and we have to use every remedy, but the men are doing quite well. No forage for animals but grass.

Nothing more was heard from either Generals Lawton or Young until November 21, and in the meantime instructions to the troops on the San Isidro and San Jose line were given direct from Manila. There were still seven tascoes of supplies between Arayat and San Isidro to be pushed up the river. The wagon transportation, with the troops guarding it, were strung along the route, water or mud bound, from Santa Rosa below Cabanatuan to Humingan, and the condition of the soldiers in the district of Carranglan caused a great deal of apprehension. In response to our inquiry, Colonel Hayes, commanding the Fourth Cavalry, telegraphed from San Jose on November 18:

Have no news of General Lawton or movements of insurgent forces since General Lawton's dispatch this morning. Have three troops Fourth Cavalry at Carranglan; have had no news from them for several days, and feel very solicitous about their situation. Trail to Carranglan now under most unfavorable conditions and is impracticable for wheeled vehicles. Only means of supplying these troops is by means of pack horses. During rain of last few days streams crossing trail have been unfordable. I still consider Carranglan an important point to hold, and shall not withdraw troops without authority.

Upon the receipt of this message he was instructed to draw back from Carranglan within a day or two the three troops stationed there, or to do so as soon as weather and condition of roads would permit, to which he replied:

Situation of troops at Carranglan bad. Sickness increasing daily. Living for nearly three days on carabao meat. Impossible to supply them. Had ordered them to San Jose before receipt of your telegrams. Can scout from here to Carranglan. Weather apparently settled. Roads bad but improving. No news of column south of San Jose except that train of 34 bull carts was crossing river at Talavera yesterday. Morale of troops excellent. No complaint. Will keep you posted on news of interest. Two troops of Fourth Cavalry passing through here to join General Lawton.

On November 21 the following communication was received from General Lawton, by boat from Dagupan:

HEADQUARTERS FIRST DIVISION, EIGHTH ARMY CORP
(IN THE FIELD) SAN FABIAN, November 19, 1899.

CHIEF OF STAFF, Manila:

I was enabled to leave the point where I was water bound the night of the 17th, and proceeded at once in quest of General Young. I overtook him at Pozorrubio at 10 a. m. the 18th, just ready to leave on trail of Aguinaldo. He seemed to be satisfied that he was on the right trail, and that Aguinaldo had actually passed out in the direction indicated. I inclose a copy of statement made by a prominent citizen of the place, the truth of which I have no reason to doubt. I greatly regret that the insurgents were not "shut up in the railroad country" by the troops "at the north," as I was assured they would "probably" be, in General Otis's communication of the 2d instant, or that they did not hold the points occupied by them, from which they were almost immediately withdrawn. Hearing nothing, however, from the column in the north, General Young without hesitation pushed rapidly across the Agno River, and occupied the country to or near the coast; not in time, however, to make the necessary dispositions to intercept Aguinaldo, who passed out via Urdaneta, Manaoag, and Pozorrubio, with Young in hot pursuit and fighting with his rear guard. Aguinaldo will probably strike the main coast road at Agoó, where the trail on which he now is comes into said road. I have just received the inclosed

note from Young, dated last night. He has the Macabebes and 50 picked men of Chase's troop and 30 picked men of Captain Johnson's troop, Third Cavalry, under Chase. On receipt of Young's note I dispatched Major Swigert with available men of two troops Third Cavalry and Lieutenant-Colonel Parker to Agoó by road, to cut off Aguinaldo if possible and to cooperate with Young. Young seems very sanguine. He will at least make Aguinaldo very unhappy. It is my opinion that Aguinaldo should be followed every moment from this time. He should not be permitted to establish himself at any point or again organize a government or an army. Wherever he can go an American soldier can follow, and there are many who are anxious to undertake the service.

In this connection I can not forget the Macabebes, who have distinguished themselves from the moment of their employment, and are now our main reliance and support. They have been well-behaved, loyal, and active, notwithstanding that they have been maligned and are falsely accused by the insurgents, who, I am satisfied, have themselves committed outrages, representing themselves to be Macabebes. After leaving Young at 11 a. m. yesterday, I rode through to San Jacinto, where I expected to meet and confer with Wheaton, but found he had come back to this place. I rode through, arriving at this place about dark, having been in the saddle about eighteen hours. I wished to ascertain to what point he would occupy the country, arrange for supplies from this point, and arrange to have ship cruise up the coast to take supplies for Young, and with which he could communicate, and to arrange to ship in here the treasure and other plunder captured, and the Spanish prisoners, which I will do. I wish to ask what disposition is desired I shall make of the press and material of the *Heraldo Filipino* captured at Tayug. It is a large press, and there is a large quantity of material. If it is to be sent to Manila an expert printer should be sent up to take charge of it. My telegraph line is only as far as San Jose, with no more material. I suggest that it be constructed from this end to meet at San Jose. I shall return along my line to-day to Tayug, and shall make my headquarters at that place or at Huminan for the time being. I have no news from Manila, and nothing from you, and have no knowledge of what has or is occurring south of us, but feel that this line can now be left with Wheaton or the commander of the Third Brigade. On Young's return would like to take him, with the Fourth Cavalry, and proceed via Norzagaray, Montalban, Taytay, Morong, and Santa Cruz to Tayabas and wipe out everything in the south. A force of infantry could be organized to support and cooperate from Batangas or any other convenient point. I still hold a command at Carranglan, but can not see that it does much good. Also hold the pass above San Nicholas. Horseshoes and nails should be sent here as well as to San Isidro for use of my cavalry. I doubt if you can fully realize what the troops of my command have endured during the past two weeks. I would be glad if Wheaton could hold the Agno River. It is a bad, unsafe, and uncertain river to cross at best.

Very respectfully,

H. W. LAWTON,
Major-General, U. S. V., Commanding.

At the date of the reception of this letter nothing definite could be determined as to the general direction in which the bulk of the enemy had gone. General MacArthur at Bayambang was positive that a large force had retired west of the railway, with the intention of entering the mountains of Zambales if pursued. General Wheaton, though scouting constantly toward Alava, Pozorrubio, and in the direction of Binalonan, found only small detachments, and was clearly of the opinion that the organized force of the enemy, which had retired up the railway and had retreated on Dagupan and Calasiao when its vanguard was defeated by him, had proceeded west of Dagupan and formed line on the Salasa and Mangatarem road. He had reconnoitered in the direction of that line and found a strong force in place. His duty, therefore, was to hold it in that section with the troops at his command until General MacArthur could get into position to handle it. He encountered the most stubborn resistance of any of the three columns then at work to prevent the insurgents from gaining the mountains to the northeastward, and whom he saw were determined to pass north by the west coast road. Lieutenant-Colonel Howze, who marched his five companies from Aliaga north to Rosales, reported that all

organizations in that part of the country had retired on San Miguel de Camiling, an extension of the Salasa and Mangatarem line, and that Aguinaldo had in person and in disguise fled southward to the southern Luzon provinces.

This latter statement was confirmed by, or it expressed the belief of, the majority of the intelligent Filipinos of Manila, who were sure that Aguinaldo would hasten southward through the Zambales Mountains to Manila Bay and cross over to the Cavite Province. Later they communicated their positive assurances that he had succeeded in entering San Francisco de Malabon, near the west coast of that province. A few Filipino citizens contended that he had entered the province of Bulacan, and a few days afterwards reported that he had materialized to the north and east of and near Manila, between Novaliches, San Jose, and San Mateo, leading several thousand men. Bulacan, east of the Rio Grande de Pampanga and north of Baliuag, had not yet been entered by our troops, and it was known that General Pio del Pilar was in the vicinity of San Miguel de Mayumo with a force which we estimated at 1,000 or more, so that the movements of Aguinaldo with troops through the eastern portion of that province on San Jose and Montalban was practicable, if he could find the necessary subsistence; and Pilar had harvested the rice in the country of his occupation, from which the supply needed could be drawn.

It was easy to conclude, therefore, and quite accurately, that General Young in his advance had struck only a small fragment of the rebel army, mostly, probably, the portions driven westward from Aliaga, Talavera, and other near points. It was fairly well known that there was no insurgent general of prominence along General Lawton's line, except possibly Gregorio del Pilar, whom General Young believed passed north through Pozorrubio, and who was also supposed to be commanding in the vicinity of Dagupan, and that if Aguinaldo was endeavoring to escape north he was not accompanied by much force and was without artillery. It was positive, however, from the captures made by General Lawton's men, that it had been Aguinaldo's intention to retire with his civil and military government and public and private property on Bayonbong of the Nueva Vizcaya province, and this intention was also confirmed by the receipt of reliable information of the nature of his orders to effect it and which he had issued several days before. Hence, on November 21, when information of the movements of Aguinaldo, as reported by Generals Lawton and Young, were received (reports made before those officers had knowledge of what had taken place to the south of them), it was difficult to reconcile the various official and unofficial statements which were being submitted. Certainly General Young had pressed back detachments of considerable size (numbering in some instances as many as 300) at Cabanatuan, Talavera, Calipajan, Balog, Muñoz, San Jose, and Humingan, had driven infantry forward on the Cabanatuan and Bongabong road and northward and westward from Tayug and San Nicolás. Ballance had struck the enemy at Rosales, pushed him to the northward through Villavis and Urdaneta, but in small numbers, as results indicated.

All this, taken in connection with the capture of Aguinaldo's private papers and property, furnished very strong presumptive proof that he in person was near and endeavoring to effect his escape north. But the only conclusion to be derived from the combined reports and statements obtained was that the force which attended him was compara-

tively very small, and that no general of prominence accompanied him. About this time knowledge was acquired of the deliberations of Aguinaldo's war council, held at Bayambang while General MacArthur was still at Bamban, and which resulted in a mutual verbal agreement on the part of those attending it to separate the insurgent forces, enter upon a species of guerrilla warfare, and attack and destroy our scattered detachments.

The ultimate conclusion reached, therefore, on November 21 was that Aguinaldo with a small force not to exceed in number two or three hundred had passed our northern line, although we were not yet positive beyond a doubt of Aguinaldo's presence with it, and that the great bulk of his army, or as much of it as still possessed organization, continued to remain to the south of that line. How, where, or by what means Aguinaldo escaped has not yet been ascertained. There was no day between the 14th and 18th of November when all the roads north were not fairly well covered. It is supposed that he escaped by the Pozorrubio road, still General Young reports that he encountered the enemy there and near Pozorrubio on the 15th, while Wheaton's troops passed through that town from the northwest by Alava on the 16th, and Young took possession of the same on the following day. Evidently Aguinaldo must have taken refuge in the brush whenever our troops passed and have marched around those towns where we had stations, possibly in the nighttime. No blame can attach to either Wheaton or Young, and no line could have been made sufficiently strong to prevent the escape of a small body of the enemy moving in detachments—especially in a low country covered with dense tropical growth, and in which abound slight or indistinct trails known only to a few. Señor Buencamino, secretary of state, who with Aguinaldo's mother and son were subsequently captured near Urdaneta, in relating the experience of his march, said that no road was safe, as the firing of guns was heard in every direction, and obeying the instinct of personal safety, he with a wise discretion concealed himself in the woods and was lost to his chief. It was believed that Aguinaldo would endeavor to pick up the insurgent battalion maintained at San Fernando de la Union and the small detachments along the coast (there were no concentrated insurgent forces on the west coast except at San Fernando and Vigan) and either join his troops which were holding the Spanish prisoners in the Ilocos and Abra provinces, or cross over by the Trinidad and Bontoc road into the valley of the Cagayan River and the province of Isabela.

This latter intention was thought to be the more probable, for he held at or near Aparri and along the northeastern Luzon coast 1,000 men, under General Tirona, the military governor of that section of country, who were well armed, well supplied with ammunition, and had several pieces of artillery; and since, as was known from captured dispatches, Aguinaldo had directed Tirona to abandon Aparri on the approach of the Americans and retire up the valley of the river in the direction of the town of Ilagan. This order to Tirona to retire upon the happening of a certain event, even had it been received by him, would not have been considered by us of much consequence, for it was not believed that he would have obeyed, as it had been ascertained some time before that he had become disaffected and had reached the conclusion that the insurgents were not capable either to erect or maintain a stable government. This knowledge was of importance later, when it was found necessary for the Navy to send vessels to Aparri to succor or

supply a battalion of the Twenty-fourth Infantry and Castner's scouts, which, without authority, had proceeded from Bayonbong down the Cagayan River with the intention of journeying to its mouth on the north Luzon coast.

As indicated in his Pozorrubio dispatch of November 17, General Young commenced his pursuit on the following day with 80 men of the Third Cavalry and the Macabebe battalion of scouts, proceeding by way of the Alava and Rosario road. On the 21st General Lawton forwarded his telegram of the 19th, which is as follows:

HEADQUARTERS CAVALRY BRIGADE,
FIRST DIVISION, EIGHTH ARMY CORPS,
Aringay, November 19, 1899—10.30 p. m.

Major-General LAWTON:

Marched 20 miles to-day through Tabiao and down canyon to Aringay. Found enemy intrenched in canyon, with sharpshooters on hillsides at ford 2 miles from Aringay at dusk. Sharp fighting twenty-five minutes. Enemy's force 200. Batson wounded left foot. Quinlan knocked down by spent ball. One Macabebe seriously wounded. River crossed by light of fires; entered town 8 p. m. Resident Spaniard says Aguinaldo passed through here on the 17th with five or six carts taken from Tabiao and 200 men, and followed coast road to Bauang, province of Benguet. Women still with him. Objective point Bayonbong, Nueva Vizcaya. American and Spanish prisoners in Vigan, and Bangued, province of Abra. Cavalry horses and Macabebes overworked. Insurgent force reported between this point and Santo Tomás. Will try to communicate with navy at San Fernando to-morrow. Have placed Colonel Wilder in temporary command of Macabebe battalion. Lieutenant Bell and 2 cavalymen and 20 Macabebes occupy Tabiao. Ordered to this point to-morrow. Will leave him here with troopers of lame horses and overworked Macabebes—60 in all. Will send Chase to San Fernando and pursue trail with 300 Macabebes. A force should be sent up here from San Fabian. Half battalion should land at San Fernando and half battalion at mouth of river at Vigan to release prisoners. Please understand this as a suggestion.

LATER.—It is impossible to get native courier to carry this to San Fabian to-night on account of interposition of force of insurgents on route. If possible to communicate with navy at San Fernando, will send it by steamer to be read by General Wheaton and transmitted to you. General Tinio commanded forces opposing us to-night. Darkness prevented us getting information as to enemy's losses. Prisoners say that at least half of them took to mountains and will not rejoin Aguinaldo. Inefficiency of cavalry due entirely to lack of shoes and nails. With exception of lameness from this cause, horses in good condition. The mountain trail for 10 miles from Rosario was most diabolical. I need additional force, but can not wait. A battalion of light infantry that can march rapidly without impedimenta should follow my trail with an officer in command who will push for all he is worth. If Dorrington's or Castner's scouts, supported by cavalry either mounted or on foot, should be sent to Bayonbong on Cagayan River and a naval vessel with marines sent up that river from the north, Aguinaldo can not escape. My ammunition is running low. The two natives that came with me from Pozorrubio will start with this for San Fabian in the morning.

November 20—7.30 a. m.—Quinlan able for duty. Macabebe dead. Batson's wound painful, through instep, not necessarily serious.

YOUNG, *Brigadier-General.*

Supplies had been sent from Manila to San Fabian by coasting vessel *Brutus* on November 19 for both Generals Lawton's and Wheaton's troops. There were also forwarded to General Wheaton by this vessel 150 additional men, consisting of the remaining company of the Thirty-third Infantry (Captain Fowler), which had been doing garrison duty at Corregidor Island, and a few men of the Thirteenth Infantry who remained behind sick when that regiment left for the north, and who were organized into a detachment to handle 2 Colt's and 2 Sims-Dudley guns supervised by Lieutenant Kenly, First Artillery. The Third Cavalry, Ballance's battalion of the Twenty-second Infantry, and Howze's battalion of the Thirty-fourth Infantry, were sent to San Fabian to refit. In response to General Young's Aringay dispatch for

troops, dated November 19, March's battalion of the Thirty-third Infantry was sent up the coast, followed by the troops of the Third Cavalry as fast as horses could be placed in condition, by three companies of the Thirty-fourth Infantry under Colonel Howze, and by headquarters and the two remaining battalions of the Thirty-third Infantry, Fowler's company excepted. General Lawton returned to Tayug and General Wheaton continued his headquarters at San Fabian.

In the mean time the following correspondence took place between corps headquarters and officers of General Lawton's command:

SAN JOSE, *November 20, 1899.*

General SCHWAN, *Palace:*

Supply train of bull carts of First Division will reach San Jose to-day. Without orders to the contrary shall push them forward. Do not know General Lawton's present whereabouts.

HAYES, *Commanding.*

SAN JOSE, *November 20, 1899.*

General SCHWAN, *Chief of Staff, Palace:*

First Battalion Twenty-fourth Infantry has arrived here and reported to me for orders. Without orders to the contrary shall send it forward. It had two days' rations.

HAYES, *Commanding.*

MANILA, *November 20, 1899.*

Colonel HAYES, *San Jose:*

Following message addressed to Colonel Kennon, Cabanatuan, is repeated for your information and guidance: "Entire line of railway under our control. Have received no information from Lawton or Wheaton for several days. They are probably in pursuit of fleeing insurgents. Possible that Lawton got supplies from San Fabian. Troops and train under orders to join Lawton should be pushed forward to San Jose and halted there until he is heard from."

SCHWAN, *Chief of Staff.*

CABANATUAN, *November 20, 1899.*

CHIEF OF STAFF:

Durable ferry with wire cable completed this morning. All delayed trains moving forward. Three companies Batchelor's battalion, Twenty-fourth, arrived at San Jose to-day. One company is guarding train. No word from commands further front. Captain Gibson's patrol surprised small party. Captured bundle of clothing containing red trousers, also an American haversack containing unimportant papers apparently belonging to an officer or noncommissioned officer, Manila battalion, which is referred to as broken up by sickness.

KENNON, *Commanding.*

CABANATUAN, *November 21, 1899.*

CHIEF OF STAFF, *Manila:*

* * * About 60 bull carts, division transportation, remain to be crossed at this point. One section supply train left San Jose for Humingan yesterday. The remainder are in the mud between here and San Jose. A day or two of dry weather will do wonders for the roads. It has been raining north. River rose 6 inches last night. All trains here will be crossed over to-morrow, I expect. Can troops at Urdaneta, Binalonan, and Asingan be supplied from Dagupan? If possible, this should be done, for this line is practically impassable now.

KENNON, *Commanding.*

MANILA, November 21, 1899.

Colonel EDWARDS, *Cabanatuan*:

Not known where General Lawton is. Has not been heard from for four days. It is believed the general has connected with General Wheaton and that their united forces are pursuing the insurgents north. Some of their troops were in Dagupan the 19th instant, where General MacArthur's troops now are. All force not required at Cabanatuan, San Isidro, and other important points, directed to be held by General Lawton, should be moved on to San Jose, having at least fifteen days' rations. From that point they can be moved in any direction desired by General Lawton or can pass over to railroad, which is now in operation. Expect to hear from General Lawton to-day by way of San Fabian and boat from there to Manila. He may communicate to you by scout by way of Tayug.

SCHWAN, *Chief of Staff*.

CABANATUAN, November 21, 1899.

General SCHWAN.

Referring to my personal dispatch, Erwin just returned and reports roads utterly impracticable for wagons loaded as his were with but 2,200 pounds. Told him to reduce to 1,200, and push on to San Jose. Am pushing bull carts over now. We are having much trouble with ferry, so decided not to cross our headquarters for fear of blocking the moving of supplies on carts. Will cross first chance, but am fearful we can not get over till to-morrow night. Roads are frightful, though it has not rained for two days. Ellison, with bull carts carrying rations, wires from San Jose that he was recalled to San Jose when 2 miles out by commanding officer San Jose.

EDWARDS.

MANILA, November 21, 1899.

Lieutenant-Colonel EDWARDS, *Cabanatuan*:

Your telegram describing difficulties of road received. Department commander deems it unsafe to allow troops to proceed beyond San Jose with insufficient rations and with lack of information concerning the whereabouts of General Lawton's troops. Thinks in the end time and trouble will be saved by this delay.

SCHWAN, *Chief of Staff*.

SAN JOSE, November 22, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Have ordered Batchelor's battalion, Twenty-fourth Infantry, to move forward this morning in compliance with following orders from General Lawton: "Colonel Hayes: Hurry forward infantry battalion to this point. Services greatly needed immediately. Employ as many good scouts and guides as you can and push a part of your forces up the trail from Carranglan toward Bayonbong. A battalion of infantry can be used if you think best, if one comes up in time, but the first battalion of infantry must come through here as fast as possible. (Signed) H. W. Lawton, commanding."

Cavalry troops returned yesterday from Carranglan to this point, and are in very bad condition; 50 per cent of men sick with fever. Kindly direct another battalion of infantry to report to me as soon as possible. It is almost impossible to supply troops in direction of Bayonbong. Fifty mules would solve the problem.

HAYES, *Commanding*.

SAN JOSE, November 22, 1899.

General SCHWAN, *Chief of Staff, Manila*:

In compliance with orders received from Major-General Lawton, have 45 Nueva Vizcayans as guides and scouts. Request arms, equipments of some kind, and clothing at once.

HAYES, *Commanding*.

MANILA, November 22, 1899.

Colonel HAYES, *San Jose*:

Possibly you may be able to equip some portion of the 45 guides and scouts whom you are sending to General Lawton with property at hand. Troops advancing to Tayug can take with them any extra rifles you may have, but do not arm the guides and scouts until they report to General Lawton. Should he think it prudent he can probably arm them from extra ordnance there.

SCHWAN, *Chief of Staff*.

MANILA, November 22, 1899.

Lieutenant-Colonel HAYES, *San Jose*:

Please convey the following to General Lawton by courier, adding thereto such information as you may have to give him:

"Major-General Lawton, Tayug: Nothing received from Wheaton since 19th. Entire railroad in our possession, though there are a number of breaks, which will require time to repair. Insurgents along railroad dispersed; some of them reported to have fled west. MacArthur is in pursuit. Comprehensive statement of situation and of your plans, which you have probably sent us, has not been received, and is greatly desired. In the lack of it, it is not always easy to understand fully the object and effect of operations reported to you by your subordinates and repeated by you to us. Cavalry troops drawn back from Carranglan, owing to the difficulties they met with there, as represented by Colonel Hayes, and because of the impossibility of the trail thence to Aritao. It was thought best not to allow Batchelor's battalion to proceed beyond San Jose until you could be heard from, Colonel Hayes having reported that he had only two days' ration to give them. You understand, of course, that emergency calls from San Jose and other remote points for supplies can not be met here."

SCHWAN, *Chief of Staff*.

MANILA, November 22, 1899.

General MACARTHUR, *Bayambang*:

General Lawton now at Tayug. Has drawn supplies from San Fabian for part of his troops, now much scattered. After short but sharp engagement, in which Batson was wounded, Young occupied Aringay on 19th instant, which place it was reported Aguinaldo and 200 followers had quit on the 17th, heading for Bayonbong. Young, with 300 Macabebes, is pursuing him, and Castner's scouts, northeast from San Nicolás, are endeavoring to cut off movement east. Lieutenant-Colonel Howze was ordered on 20th to report to you for temporary duty after reaching Dagupan, to which point he had been ordered by his brigade commander, but it appears now that General Lawton may require him at Tayug, and he is to await his orders at Dagupan. I will at once confer with chief signal officer, with a view to reinforcing your signal corps detachment, if practicable.

SCHWAN, *Chief of Staff*.

HEADQUARTERS FIRST DIVISION,
In the Field, Tayug, November 22, 1899.

CHIEF OF STAFF:

I propose to take three columns through the mountains to Bayonbong, as follows: One column Twenty-fourth Infantry, commanded by Colonel Keller, over trail to Carranglan; one column Castner's scouts, one battalion Twenty-second, one, Thirty-fourth Infantry, over trail from San Nicolás, commanded by Colonel Kennon; one battalion Macabebes, one battalion Thirty-fourth, and one battalion Twenty-second Infantry, over trail through Trinidad, commanded by General Young, and over which he is now en route. Castner will start his advance to-morrow, and courier was sent Colonel Hayes at San Jose last night with instructions to him to secure scouts and guides and push out on the trail. The cavalry, after it has been reshod, can follow over the respective trails. Our supplies will have to be carried or packed by carabaos. This will leave the country this side of the mountains to be looked after by Wheaton and MacArthur. The cavalry can take care of it until they are relieved. This program will be substantially carried out, unless the General does not concur. The messenger who takes this will await a reply. Young is on the trail and must be supported.

LAWTON, *Major-General*.

MALACASAN, 11, 22, 1899.

General LAWTON, *Tayug:*
(*Care of Commanding Officer, San Jose.*)

Trail north by Carranglan believed to be impracticable and a death trap, both by reason of fevers and ease with which detachment of enemy can defend it. Cavalry stationed at Carranglan a few days can accomplish all which could be accomplished by an advance north over that route. The other two routes not objected to if you have knowledge of country and believe them practicable for movement of troops, provided you take the five companies Thirty-fourth Volunteers now at Dagupan or one of Wheaton's battalions for the route by Trinidad. It is supposed that you intend to send by Trinidad route Ballance's battalion Twenty-second Infantry. One battalion Twenty-fourth Infantry now en route for Tayug should be with you to-morrow morning. You can collect there readily the other battalion of the Twenty-fourth, that of the Twenty-second, and one of the Thirty-fourth, all supplied with rations. However, it has been impossible to ascertain with certainty the present location of all your troops. It is not at all certain that the enemy Young is pursuing will attempt to cross mountains to Bayonbong. He may take trail to Bontoc and cross over to Ilagan. We are not yet ready to enter the Cagayan Valley.

SCHWAN, *Chief of Staff.*

HEADQUARTERS FIRST DIVISION,

IN THE FIELD, TAYUG, November 22 (via Tulavera, November 25), 1899.

CHIEF OF STAFF, Manila:

The following just received from General Wheaton: "San Fabian, November 22.—Major-General Lawton, through San Jacinto: I will send battalion of infantry to San Fernando. It will have to march by road as all my cascos and launches are wrecked. The battalion going to San Fernando will, if practicable, follow and support General Young. Swigert went to San Fabian yesterday. Can not send troops to Vigan, as can not embark them here. Will do all in my power to aid in every way. (Signed) Wheaton, brigadier-general."

LAWTON, *Major-General.*

HEADQUARTERS FIRST DIVISION, IN THE FIELD,
TAYUG, November 21 (via San Jose, November 22), 1899.

CHIEF OF STAFF.

SIR: The following just received from Lieutenant Castner, in command of Lowe's scouts, dated November 21, 9 a. m.: "To Major-General Lawton: Tagalo Sergeant Riverra returned with four guides from mountains from his native town of Pozorrubio. Natives report Aguinaldo is headed for Nueva Vizcaya, probably Bayonbong. Also report insurgent soldiers came in to Pozorrubio every night from Tuesday to Sunday for rice, etc., coming from barrio of Balog, about one hour from Pozorrubio. Gave Dorrington this information; also, that 150 insurgents and 4 guns reported still at Balog. Pony train returned from San Fabian to-night. Start from San Nicolás on trail to mountain to-morrow. My natives state that it takes three days to cover mountains from San Nicolás to Bayonbong, and that trail is very difficult and could be strongly defended by insurgents. Have guides for all the mountain trails. Would like good map of Nueva Vizcaya and good compass, also money, if you decide to send any with me, also some insurrecto clothing from Tayug. (Signed) Castner."

LAWTON, *Major-General.*

CABANATUAN, November 22, 1899.

CHIEF OF STAFF, Manila:

Request Howze, now at Bayambang or Dagupan, ordered at once to Tayug, as trains have gone forward. Move my headquarters to-day to San Jose, arriving probably to-morrow. Recommend no further supplies be sent forward on this line to this point. Troops may be supplied by banca from San Isidro, and the two companies at Aliaga from this point. Roads forward from here for practicable purposes are impassable. They kill stock, break wagons and carts, and exhaust men who have to pull wagons through mud. Little modification in stations will be necessary. Two companies at Aliaga, one battalion here, company along road near Santa Rosa should return to San Isidro.

KENNON.

MANILA, November 22, 1899.

Colonel KENNON:

(Care of Lieutenant-Colonel Hayes, San Jose.)

Lieutenant-Colonel Howze, with five companies Thirty-fourth Volunteers, will probably reach Dagupan to-night, and will be subject to your orders and those of General Lawton, who should be apprised of his whereabouts.

SCHWAN, *Chief of Staff.*

Discontinuing now for the present the consideration of the advance on Bayonbong by Tayug and Carranglan and General Young's pursuit through the northern Luzon provinces, where he was both following to the north and eastward insurgent troops and releasing the Spaniards and Americans held by the insurgents as prisoners, we will again take up the recital of General MacArthur's advance up the railway. We left him on November 21 at Bayambang, from which while there the following telegrams were received and sent:

BAYAMBANG, November 22, 1899.

General SCHWAN, *Manila:*

The Twelfth Infantry, two battalions Seventeenth, all my artillery, cavalry, and wagon trains are now concentrated at Panique, at which point by to-morrow I will have 20,000 rations in depot, four days in hands of troops. The cavalry squadron will reconnoiter to-morrow towards Camiling and possibly enter the town. Seven days' rations were brought forward to this point to-day for the entire Thirty-sixth and one battalion Seventeenth now here. The line of supplies is working well all the way through and a large and efficient wagon train operating into Bayambang. I shall require one more day to arrange things between here and Tarlac and on Thursday shall occupy San Carlos and Calasiao with two companies each of Thirty-sixth Infantry, and start civil government in the towns mentioned, as the people desire to accept the supremacy of the United States and have made solicitous inquiry about civil institutions. I visited both places on Monday and made arrangements with head men and priests for reception of troops in commodious convents. By Thursday night I expect to have everything in hand so I can send columns in any direction likely to be useful. I have further information to the effect that Aguinaldo is a fugitive without military escort and that the generals have scattered to the various provinces with a view to guerrilla warfare.

MACARTHUR.

BAYAMBANG, November 23, 1899.

General SCHWAN, *Palace:*

I sent the cavalry squadron to reconnoiter from Panique to Camiling. General Wheeler accompanied the squadron, and at the Tarlac River sent back to Panique for infantry and rope to assist in crossing. The detachment is still out, but will probably return to-day or to-morrow, or at all events send in some information. The roads out of Panique in all directions are impassable for wheeled vehicles, and people say it will be impossible to get wagons over the regular wagon road to Bayambang much before January. This confirms my own observation of the road, and in case we need transportation or artillery as far north as this, it will be necessary to bring it forward by rail or march it up the railroad grade, which will be practicable for empty wagons and artillery if we can get the plank to floor the intervening culverts and bridges. I got Bell's pack train forward yesterday over the railroad grade, so that I have one regiment in hand for quick movement at a distance from the railroad if it becomes necessary. To-day I shall occupy Dagupan with five companies Thirty-fourth Infantry. If General Lawton calls for them I can replace them by other troops. I expect to have the wire into Dagupan by night, and a patrol and lineman will be sent out by Colonel Howze, immediately upon his arrival, to make the connection with San Fabian if the old wires are in place. Otherwise will reconstruct the line as quickly as possible. To-day I occupy Calasiao and San Carlos. I have a large working party organized under Lieutenant Ferguson to commence re-laying track to-morrow morning. This work will undoubtedly be rapidly put through, much assistance being given by old employees of the railroad, who are

clamoring for employment along the line. The country is alive with people returning to their towns, some of them going as far back as San Fernando, Malolos, and Marilao. I can get no definite information about any concentrated force at any point, and am inclined to credit reports to the effect that the generals have scattered and gone to their provinces, which if true will bring about more activity probably in Pampanga and Bulacan than in these northern provinces. I am anxious to occupy San Miguel de Mayumo and have given preliminary instructions to Colonel Page in the premises.

MACARTHUR.

MANILA, November 23, 1899.

General MACARTHUR, *Bayambang*:

Report location of your troops north of Tarlac and your contemplated immediate use of them. The five companies Thirty-fourth Infantry at Dagupan may be called east by General Lawton.

SCHWAN, *Chief of Staff*.

BAYAMBANG, November 23, 1899.

SCHWAN:

In compliance with your message just received, I report that stations of troops north of Tarlac are as follows:

North side of Tarlac washout, one company Ninth Infantry; Panique, all of Twelfth Infantry; Gerona, one company Ninth Infantry; Panique, besides Twelfth Infantry, two battalions Seventeenth Infantry, two troops Fourth Cavalry, Light Battery E, First Artillery, and two Gatling guns; Bayambang, south side of river, properly known as the barrio of Bautista, 2 kilometers from bridge, one battalion Seventeenth Infantry; at Bayambang, properly north of bridge, two battalions Thirty-sixth Infantry; San Carlos, two companies Thirty-sixth Infantry; Calasiao, two companies Thirty-sixth Infantry; Dagupan, five companies Thirty-fourth Infantry. If Thirty-fourth Infantry is called east shall move the two battalions Thirty-sixth now here to Dagupan and replace them by two battalions Seventeenth Infantry from Panique. I will then have the Thirty-sixth Infantry on my right at Dagupan, Calasiao and San Carlos, the Seventeenth Infantry at the two Bayambangs, the Twelfth, with artillery and cavalry, at Panique. My contemplated use of these troops is to strike at anything within reach. Information in this respect coming in slowly, and I am gradually reaching the belief that there is no organized insurgent force left to strike at. The insurgents' army has broken up into fragments and soon will be nothing more than a banditti, without government of any kind. Let there be assigned them a certain period of amnesty, proclaimed sufficiently in advance to allow all concerned to have information of the proclamation, when the wandering groups should be declared outlaws and treated accordingly. With the railway as an extended base, distribution described above affords easy means of rapid concentration at any point as necessity may require. The wagon train of the entire command is at Panique, the pack train of the Thirty-sixth Infantry being the only transportation with its regiment. The distribution of wagons and artillery from Panique is a serious question in present condition of roads, which are simply impassable, as illustrated by the fact that General Wheeler has been more than twenty-four hours in making 5 miles in advance toward Camiling, with 2 troops of cavalry and 100 infantry.

MACARTHUR.

MANILA, P. I., November 23, 1899.

General MACARTHUR, *Bayambang*:

Reported that Aguinaldo and Garcia, with 13 followers, returned to Bayambang from Tayug evening of November 13 and immediately rode westward. They were hatless, covered with mud, and their horses badly jaded.

SCHWAN, *Chief of Staff*.

BAYAMBANG, November 23, 1899.

General SCHWAN:

Referring to your message just received in regard to movements of Aguinaldo, I have fairly reliable information that a council of war was held at this point on Monday, the 13th instant, at which Aguinaldo, Concepcion, Alejandrino, and other gen-

erals were present. The council resolved that the insurgent forces were insufficient to stop the Americans, and decided that they would divide into small bodies and engage in guerrilla warfare. In accordance with this decision, Aguinaldo started for Bayonbong; Alejandrino, Macabulus, San Miguel, and probably Gregorio del Pilar passing to the westward of the railroad, and Garcia and Concepcion to the east. This information agrees with that received by you about Aguinaldo being here on the 13th. Flores is probably somewhere in this neighborhood, and I would not be surprised if he came in and presented himself. I sent message last night from Panique, which possibly may not have reached you in consequence of bad service on the wire, to the effect that Bautista, president of the congress, was at Panique and presented himself to me at that point. He is there now subject to the orders of the department commander.

MACARTHUR.

BAYAMBANG, November 23, 1899.

General SCHWAN:

The so-called Filipino republic is destroyed. The congress has dissolved. The president of that body is now a prisoner in our hands. The president of the so-called republic is a fugitive, as are all the cabinet officers, excepting one in our hands. The executive department is therefore broken up. The generals are separated, without any power of conference or concerted action. The authority under which an army was kept in the field no longer exists. The army itself as an organization has disappeared. As a consequence of these facts, which are now of historical record, the men who propose to lead small bodies for purpose of guerrilla warfare must act without even a shadow of authority from a de facto government and their operations from this time on will be the results of individual whims. In other words, men who now try to continue the strife by individual action become simply leaders of banditti, and in this view how would it do to issue a proclamation at an early date offering complete amnesty to all who surrender within a stated time, with a payment of 30 pesos to every soldier who gives up a rifle, and declare with emphasis that after the date fixed the killing of American soldiers would be regarded as murder and that all persons concerned therein would be regarded as murderers and treated accordingly? Such a proclamation would have the effect of forcing the generals to consider the expediency of continuing a hopeless struggle which would commit them irrevocably to death or lifelong expatriation, and I think would have a powerful influence at a time when it is apparent that most if not all the leaders are more or less doubtful of what course to pursue. This suggestion is for your personal consideration, to be presented to the department commander at your discretion.

MACARTHUR.

MANILA, November 24, 1899.

General MACARTHUR, *Bayambang*:

Your telegraphic message reporting the virtual dissolution of the so-called insurgent government and the disintegration of the insurgent army, and pointing out that the leaders of the small bands into which that army has broken up are now acting without even the semblance of authority from a de facto government, was duly received and submitted to the commanding general, who is giving its contents a careful consideration.

SCHWAN, *Chief of Staff*.

MANILA, November 24, 1899.

General MACARTHUR, *Bayambang*:

A large force is not required at Dagupan, for the enemy is moving in this direction and a considerable concentration is now taking place at San Mateo, above Mariquina, and along line north to Angat. There are very few insurgent troops north of you. Lawton and Wheaton have over 4,000 men along the west coast of Luzon. Lawton is now moving troops to Tayug, which is only a short distance from the coast. He is still beyond telegraphic communication. You should look in this direction for the enemy, and a fair force available for an emergency should be at Tarlac, if not at San Fernando and Calumpit. Lawton and Wheaton having failed to report since the 21st, and Young four days ago being east of San Fernando, specific instructions can not be given. When Wheaton can be reached he can be directed to place a force in Dagupan.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 25,

General SCHWAN, *Palace*:

I have information to the effect that insurgent troops heretofore defending the railroad fell back with the ultimate purpose of assembling at Mangatarem. The troops that opposed Wheaton also intended to assemble at that point, as well as those stationed at Sual and Lingayen. The strength of these organizations before the commencement of the recent campaign was certainly more than 6,000 men. The fragments now remaining altogether are probably less than one-fourth of that number. The town of Mangatarem is represented as having many natural advantages for defense, and also as having a good line of retreat westward to the sea and thence south along the seacoast of Zambales. This is the substance of reports from several independent sources, which, to a certain extent, corroborate each other. I shall move two battalions of the Thirty-sixth in the morning to Mangatarem to develop the situation. If no insurgents are found in Mangatarem I shall not, in view of the frightful condition of the roads, have this command proceed to Lingayen, as originally intended, especially as a company of the Thirty-third, sent out by General Wheaton, has been in Lingayen, and is perhaps in that place now. If no enemy is found in Mangatarem it will justify the conclusion that the insurgent forces have broken up into small bands or have passed mountains into Zambales.

MACARTHUR.

MANILA, November 25, 1899.

General MACARTHUR, *Bautista*:

Your information that insurgent troops fell back on Salasa and Mangatarem line west of railroad agrees with information received from General Wheaton. Wheaton has a portion of the Thirteenth Infantry in Dagupan now and will be asked to retain it there for the present. Buencamino, received here this morning, now in confinement. Linjap, director of railroad, is, it is understood, in your power. Retain him as prisoner, sending him to Manila first opportunity.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 25, 1899.

General SCHWAN, *Chief of Staff*:

General Wheaton informed me yesterday of presence of Captain Fowler's company of the Thirty-third Infantry in Mangaterem, from which town Fowler had driven force under Alejandrino, which was numerically very much superior to his and which had taken position in the adjacent mountains. Wheaton thought Fowler was in some jeopardy and recommended that I send troops to his assistance. Colonel Bell, with two battalions, started this a. m., daylight, to relieve Fowler; if necessary, develop the situation under certain contingencies. Bell had orders to pursue wherever the enemy may go. If they reach the seacoast road in Zambales, Bell's pursuit may wind up at Sanbung, in which event could he not be met by a ship at that point? If Bell finds the concentrated force too much for him to handle, I have the Seventeenth Infantry in hand to go to the scene immediately. I am a little concerned about the situation at Baliuag, as the group of insurgents under Pilar is the only one that has not been disturbed by recent movements. I should like to go there in person, but under conditions here shall be unable to leave for several days. * * *

MACARTHUR.

MANILA, November 26, 1899.

General MACARTHUR, *Bautista*:

Pilar's force at San Miguel has 600 rifles and 1,000 men. The force at San Mateo has 700 men and rifles, and the Morong Battalion, near the town of Pasig, has 400. This information is reliable. Captain Buck, after a reconnoissance a few days since, estimated San Mateo force too high. Aguinaldo's orders early in November directed an attack on Manila for the night of the 9th, to be assisted by an uprising of 4,000 inhabitants. The force south of Manila is fully as strong as ever. Attack made on Zapote bridge and Bacoor night of 24th. Large insurgent force concentrated at Calamba.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 26, 1899.

General SCHWAN:

Colonel Bell arrived at Mangatarem to-day, the passage of the Agno being the only difficulty encountered. Found the town occupied by Fowler's company of the Twenty-third, also found 94 Spanish prisoners collected there and the following American prisoners: P. J. Green and George T. Powers, sailors battleship *Oregon*; Thomas Edwards and Charles Bird, Company K, Sixteenth Infantry; Henry W. James, G, Twelfth Infantry; John Desmond, Signal Corps; F. E. Huber, of Lowe's scouts. These seven belong to a party of ten, the other three of which have not yet arrived, are as follows: David Scott, Twenty-fourth Infantry; Phil Betterton, A, Third Infantry; William Sheehy, Hospital Corps. Four American deserters are with insurgents: Howard, Martin, and Ford, California. Howard is captain of artillery, the three latter men not being in the service. A man named Salsitt, Fourth Cavalry, is also with the insurgents, and is reported as pretending to sympathize with them to save his life. Alejandrino is reported as in command of insurgents, who are reported by our escaped prisoners as being very destitute of food and ammunition, and that men are deserting in large numbers. The retreating column, which is composed of several hundred men, probably considerably less than 1,000, is about 10 miles from Mangatarem, making laborious progress over mountain trails, the march being very much retarded by six guns of various kinds. If pack train crosses Agno all right, Bell proposes to rest until after midnight, and to make a determined effort to overtake enemy, which he may probably accomplish if they stick to their cannon. Bell's instructions contemplate that he shall follow wherever they may go and that he shall push things to a decisive result if possible. Spanish prisoners say Macabulus is in mountains around O'Donnell, his force reported at about 1,000, which estimate probably excessive. Investigations are being made in that vicinity and information may be obtained which will justify pushing a column through the mountains to Iba, and perhaps another column farther south in Bataan. All accounts agree that the insurgents have no supplies in the mountains and depend almost entirely upon night forages into the valleys for subsistence, which is daily becoming more difficult to obtain. * * *

MACARTHUR.

BAUTISTA, November 26, 1899.

General SCHWAN, *Palace*:

I shall send in to-morrow Chuidian, Linjap, and Captain Lawrence as prisoners of war, as directed by you. Chuidian and Linjap have their families here and wish to take them to Manila. If there is no objection I think it would be a good idea to get rid of them, as both men have the means of taking care of their families in Manila.

MACARTHUR.

BAUTISTA, November 26, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Major Spence, Thirty-second Infantry, with party of 50, left Angeles at 1 o'clock this a. m. and surrounded a barrio 6 miles northwest of the town and attacked at dawn, capturing 1 captain, 15 men, 7 rifles with ammunition, and a number of boloes, with no casualties on our side. Yesterday men of Ninth Infantry wandered away without authority and were waylaid by a small insurgent band, 1 man killed and 3 captured. I am having the affair carefully investigated with a view to further action. The currents of the two events herein reported seem to indicate the initiatory steps of the guerrilla system, against which I hope the department commander will see his way clear to taking some drastic action at a very early date.

MACARTHUR.

SAN FABIAN, November 26, 1899.

General SCHWAN:

Captain Fowler captured at Mangatarem 5 cannon, 3-inch muzzle loaders, 12 rifles, 10,000 Maxim cartridges, 800 pounds powder, 800 pounds lead, 1,000 pounds shrapnel. Three American prisoners released and 82 Spaniards, 5 of whom were officers. Captain Fowler has been ordered here with his company, and is supposed to be near Dagupan to-night.

WHEATON, *Brigadier-General*.

BAUTISTA, November 27, 1899.

General SCHWAN, *Manila*:

The time has arrived for the movement of several columns west of the railroad to the coast on the China Sea, and the only thing that interferes with immediate action to that end is the possibility that some of my troops may be needed at Baliuag and in that vicinity. If I could be assured that the situation at San Miguel could be taken care of without calling on my line north of Calumpit, I would proceed rapidly to a general clean up of Zambales and Bataan, wherein are now located the fragments of the insurgent army, which was formerly in my immediate front—that part which was stationed along the railroad, and that part which occupied Dagupan and the towns on the Gulf of Lingayen. In the first place I should start a column of not to exceed 400 from O'Donnell to move directly west to Botolan or Iba, as may be determined upon after investigating the advantage of each, the movement to be connected by water through a small ship to arrive at designated point simultaneously with troops. The marching distance about 40 miles. Resistance from Hizon probable, or perhaps Macabulus, or possibly both. Good guides are available. Another column, not to exceed 500 men, to be assembled at Florida Blanca, from thence to pass into Bataan as far south as Balanga, and therefrom returning to Llana Hermosa, and from thence to Subig for purpose of cooperation, communication, and supply. Another ship could be placed in the vicinity of Orani and Balanga, and proceed at the proper time to Subig to meet column at that place. The marching distance would be something over 50 miles; the resistance would come from the remnants of Mascarido's force. To carry out these two movements many preliminary arrangements are necessary, and it would take possibly a week to get the Florida Blanca column on the way. I would therefore like to reach definite understanding about matters south of Calumpit, the possibility of securing suitable cooperation from the Navy or transports, and if I am authorized to carry out the scheme, which seems to afford a very fair prospect of good results, and to employ all necessary men and material in the country to assist the movements.

MACARTHUR.

MANILA, November 27, 1899.

General MACARTHUR, *Bautista*:

Corps commander approves your proposed movement of two columns through Zambales and Bataan, to start respectively from O'Donnell and Florida Blanca; the objective of the former being Botolan or Iba and that of the latter Balanga and eventually Subig, where it is to be joined by a third column. The situation at Baliuag will be looked after here without calling upon those of your troops north of Calumpit. There are now two naval vessels in Subig Bay, and the naval commander-in-chief will at the proper time be requested to direct that they cooperate with your troops. Suitable transports for the purposes of communication and supply will be placed at your disposal upon request at the proper time. The projected operations should be carried out with the greatest possible expedition. Keep me fully advised of every stage of their progress.

SCHWAN, *Chief of Staff*.

MANILA, November 27, 1899.

General MACARTHUR, *Bayambang*:

A supply depot will be at once established at Dagupan, which will probably be the headquarters of a department. No more rations are to be landed at San Fabian than are absolutely necessary. Major Devol, quartermaster, will leave here to-night to select buildings for the supply depot at Dagupan and to attend to other matters pertaining to the Quartermaster's Department. The above information has been conveyed to General Wheaton.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 28, 1899.

General SCHWAN, *Chief of Staff, Manila*:

I have just received a hasty report from Colonel Bell in the mountains west of Mangatarem. He overtook the commands of San Miguel and Alejandrino united. Unfortunately they did not make sufficient resistance to cause a heavy loss in killed and wounded, as far as ascertained up to this time, but Bell has scattered them in such a manner that he declares they will never reunite. He captured the entire plant of their powder factory, as well as their arsenal, which were separate and dis-

tinct organizations under different management. With these outfits he secured thousands of pounds of lead and a great number of cases of shell copper. He also captured all their horses, carabao, carretons, clothing, and food supplies, which he has not yet had time to inventory, as it is scattered over the mountains in all directions. He has all of the artillery, which at the time of his message he had not inventoried, but which he reports as being of the modern, serviceable breech-loading variety, including Maxim, Hotchkiss, and Krupp guns. He also has all the tools of the engineers, consisting of hundreds of spades and picks, shovels, and hoes. The incidents of the fighting were exceedingly interesting, and consisted of a series of combats, flank marches, and determined rushes over ridges and across valleys high up toward the top of the mountains, all conducted with such skill that Bell apparently had no casualties, as he reports none, although he does not state he had none. The enemy used their artillery freely, machine guns and all, but with the usual inefficient practice. Up to this time 10 dead and 10 wounded only have been found. Alejandro and San Miguel disappeared early in the fight and are fugitives in the mountains, accompanied by only a few men, probably not more than a dozen. Officers as well as soldiers are reported as disgusted at the continuation of the war. The generals are, however, trying to carry out the Aguinaldo policy, and are making a desperate effort to hold their men a little longer, and are shooting officers who tender their resignations. This action has terrified many, but this splendid work of Bell's has put an end to the group in this vicinity. Bell is going to bring what he can of the plunder to Mangatarem and destroy what he can't bring in. Bell states in his report that this is another triumph of the pack train, as without it he could not possibly have accomplished the work. This is a very modest way of putting it. No doubt the mules are entitled to credit, but the real facts in the success, which is decisive in every respect, are the splendid skill, pertinacity, and good judgment of Colonel Bell himself and the untiring endurance and magnificent fighting qualities of his men. It is impossible to say too much in behalf of either.

MACARTHUR.

MANILA, November 29, 1899.

General MACARTHUR, *Bayambang*:

Inhabitants Guagua, Santa Rita, Candaba, and other places calling for protection against robber bands. All your available troops, except those needed north and for movements west of railroad, will be required to handle these robbers infesting central Luzon. Dagupan will soon be announced as your headquarters, with all of northern Luzon, possibly as far south as Calumpit, as your field of action. General Lawton, with certain troops, will return by way of San Miguel and commence active operations in southern Luzon. All the Thirty-third Infantry, excepting Fowler's company, now en route to Vigan, which place Navy occupied 24th instant. Young will soon be among Spanish and American prisoners in Abra province. Believed 500 insurgents at Bayonbong surrendered to General Lawton's troops yesterday. As soon as we can establish communication with General Lawton orders for contemplated movements will be given.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 29, 1899.

General SCHWAN, *Manila*:

I have just received a note by messenger from General Lawton, dated 4 p. m. yesterday, November 28. He said he sent a few days before for an operator and instrument and line party to go from San Jose, but they had not arrived. I had hoped to make connection with Tayug by to-night by meeting Lawton's party from Tayug, but as he has not sent out any party, my people will have to cover the entire line and make all connections. It may, therefore, be several days before the connection is made. I can reach Lawton from here in less than twenty-four hours by messenger. If that is better than can be done by any other route, any important message might go this way.

MACARTHUR.

BAUTISTA, November 29, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The column by way of O'Donnell will be composed of 400 selected men of the Twenty-fifth Infantry, leaving adequate protection at Mabalat and Bamban. This column will be commanded by Colonel Burt, and start on or before the 24th. Transportation will be composed entirely of native burden bearers and such ponies as can

be assembled and improvised for pack purposes, all of which I will furnish or hire here. With these means I propose to carry five days' rations and supply of reserve ammunition. The column will take north trail from O'Donnell, and I very much hope to meet Macabulus and Hizon in the mountains. This insurgent force will be the principal objective. If, unfortunately, they get through the mountains without opposition, the second objective will be either Iba or Botolan, which point I desire you to determine in light of necessity of meeting column on the coast with supplies at the most convenient point. If I can rely on water transportation to meet column on the coast, the question of supply becomes a very simple one; otherwise I will have to rearrange programme entirely, which I can do all right, but would much prefer water cooperation, if possible. If this expedition reaches the coast, it will operate south to connect with Grant at Subig. I can hire in the country everything necessary to carry out this plan, and will not require any assistance except, possibly, in respect to water cooperation. It will not be possible to follow this movement by wire, but it is hoped to get information frequently by native messengers.

MACARTHUR.

MALACASAN, November 30, 1899.

General MACARTHUR, *Bayambang*:

Steamers can only land at Iba, Masinloc, and Santa Cruz after occupation by troops. During this monsoon waters of west coast very rough. Unsafe for vessels to ply along that coast in stormy weather. Dates of arrival of troops in those towns should be fixed with as much certainty as possible. Steamers can be sent so as to arrive twenty-four hours after dates decided upon.

SCHWAN, *Chief of Staff*.

BAUTISTA, November 30, 1899.

General SCHWAN, *Chief of Staff, Palace, Manila*:

Bell's command is employed assembling at Mangatarem the property captured in that vicinity, much of which will have to be destroyed as valueless and too heavy to bring in. Bell has 14 modern guns all in good condition, including those formerly on the gunboat *Urdaneta*. Fowler took 7 obsolete guns when he entered the town originally, making 21 altogether. Bell thinks he has the breech-blocks of the big guns captured at Malolos, which are still at that place. I have ordered Bell to concentrate that part of his regiment now with him at Mangatarem, and shall employ this force for further operations as soon as I can determine in what direction a movement will be useful. We are not at present in contact with any organized force, as I hear only unreliable rumors, many of which will be settled when my columns move to the sea, preparations for which are going forward rapidly. As soon as approximate date of arrival at Iba is determined upon, will request to have boat meet command with supplies, or to remain for a time to accompany troops and to carry supplies from place to place as they move up and down the coast. A scout from Angeles yesterday captured 6 rifles, 2 carbines, 2 revolvers, 7 bolos, 8 ponies, several hundred rounds ammunition, 4 Filipino officers, 1 soldier, and destroyed reloading outfit and a quantity of lead. I am preparing to occupy, for purpose of extended scout, the towns of San Ignacio, Moriones, and O'Donnell, connection between commands to be established by heavy connecting patrols, and thereafter the mountains in front of each place to be thoroughly explored. This intended to cover at least a week and embrace all country between Camiling and O'Donnell, and undoubtedly will give information of practicable value. I shall also send a scout to Victoria, at which point some hostile demonstrations have been made against persons who were friendly to American troops when that place was occupied by the Thirty-fourth Infantry.

MACARTHUR.

BAUTISTA, December 1, 1899.

General SCHWAN,
Chief of Staff, Palace, Manila:

Steamer should be ordered to reach Iba on 10th December, as column is expected to arrive there on 9th. Please send 8,000 rations—that is, twenty days for 400 men—50,000 rounds reserve ammunition, and funds which I have directed my chief quartermaster and my chief commissary to arrange for through the proper chiefs in Manila;

this with a view to making prompt cash payments for supplies and service, as this policy serves to conciliate natives and establish confidence in our methods of administration. The commanding officer will be instructed to take from the steamer what he wishes of the supplies and money sent to Iba, but he will be advised to take everything sent, if possible, and make Iba a temporary base for operations up and down the coast. The Bataan column is expected to reach Balanga on the 5th or 6th and Subig about the 10th. If Navy could make demonstration in front of Balanga and north and south thereof from 5th to 7th, it would perhaps help general result. Please send General Grant at Angeles, so as to reach him by to-morrow night, 400 pesos, secret-service money—250 for Bataan column, 150 for Iba column. This should reach General Grant not later than the night of the 2d. I shall be in close communication with the Bataan column and can regulate the movement according to circumstances as they arise. If the Iba column fortunately meets a strong force of the insurgents, movement to the coast may be retarded, and in the event of a complete success in destroying or capturing anything in the mountains it may be necessary to return to the railroad without reaching the coast. These are contingencies that can not be entirely anticipated, but I shall have a staff officer with this column specially charged with the duty of keeping me informed of progress of events by means of native messengers.

MACARTHUR.

MANILA, December 1, 1899.

General MACARTHUR, *Bautista*:

Arrangements will be made in due time for the supply and support of your field columns, as stated in your telegram.

SCHWAN, *Chief of Staff*.

BAUTISTA, December 3, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Bataan column is assembling at Florida Blanca to-day. Zambales column will leave either to-day or to-morrow by way of O'Donnell. Between O'Donnell and Mangatarem, I understand, there is no pass over the mountains. To-day the towns of O'Donnell, Moriones, San Ignacio will be occupied, and the east slope of the mountains between O'Donnell and Camiling will be thoroughly explored. The result of these combined movements should give full and definite information of whereabouts of insurgents if any are left in an organized form. It is understood that a steamer with supplies will be at Iba on the 10th.

MACARTHUR.

BAUTISTA, December 3, 1899

General SCHWAN:

I have directed the commanding officer at San Fernando to send 13 ladrone prisoners to provost-marshal, Manila, accompanied by the information required by circular 61. One of them is the captain of the band. The officer reports that he has positive evidence of their guilt. I would recommend that some special action be taken in these cases with a view to proper punishment. If there is anything defective about the papers in reference to the prisoners in the first instance, please see that the prisoners are held until the papers can be made complete. The officer also reports that there are 40 more in the neighborhood that he expects to capture, and I have directed him to act vigorously against them, capture or kill all he can, and send to the provost-marshal all against whom he has conclusive evidence.

MACARTHUR.

BAUTISTA, December 3, 1899.

General SCHWAN:

Grant's advance yesterday had slight skirmish at Florida Blanca. Killed a insurgent captain and took from him sword of Naval Cadet Wood. No casualties.

MACARTHUR.

MANILA, December 4, 1899.

General MACARTHUR, *Bautista*:

Ballance's battalion at first intended for an operation under Lawton's direction against Pilar's forces. Later on its destination was changed to San Fernando, whence it goes to Candaba. Commanding officer at latter place has been directed after its arrival there to send three companies of his command to relieve a like number of companies of Thirty-fifth Volunteers at Arayat. As you were especially occupied in supervision of movement of your field columns, some orders affecting both yours and Lawton's troops and requiring immediate action were sent direct to subordinate commanders.

SCHWAN, *Chief of Staff*.

BAUTISTA, December 4, 1899.

General SCHWAN,
Chief of Staff, The Palace, Manila:

I expect General Grant to enter Dinalupihan some time this morning, from which point he will turn south through Llana Hermosa, and should reach Orani at least to-day. If he gets contact with any considerable body of the enemy, he will not turn south unless the enemy retreats in that direction, as he has orders to pursue vigorously wherever the enemy may go. The wire should be at Dinalupihan to-day; therefore expect definite reports before evening.

MACARTHUR.

BAUTISTA, December 5, 1899.

CHIEF OF STAFF, *Manila*:

In telegram of yesterday evening, transmitted from field end of telegraph wire at 9.25 this morning, General Grant reports he entered Dinalupihan on morning of 4th, after light skirmish. Three insurgents killed, 10 rifles and 2,000 rounds of ammunition captured. Road from Florida Blanca very bad, but everything in camp at Dinalupihan at dark. Proposes on 5th to march to Llano Hermosa, from which point he will reconnoiter Orani, which he proposes to attack on the 6th. He is proceeding with considerable caution and slower than I expected, but the roads are simply indescribably bad, and preclude the possibility of rapid action in the mountains. My wire will not get farther than Dinalupihan, and further reports will therefore be probably rather slow, but I hope for something definite before night. I infer from Grant's report, though, that the *Laguna de Bay* will be necessary for a day or two more.

MACARTHUR.

BAUTISTA, December 6, 1899.

General SCHWAN, *Chief of Staff*:

In calculating distribution of insurgents I have been able to locate approximately all commands north of Pasig, excepting Tinio. This leaves me in doubt as to what command the 800 armed men belonged who were reported as having surrendered at Bayonbong. Can you give me any information on that point?

MACARTHUR.

BAUTISTA, December 6, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Colonel Bell reports something like circumstantial hearsay evidence to the effect that Aguinaldo's wife, accompanied by Zizalcita, an adjutant, passed through Mangatarem some time since, en route to Orani, with a view to escape therefrom to Cavite or Batangas provinces, or possibly to Hongkong; that they were supplied with valuable jewelry and \$20,000 in gold. The same people expressed belief that Aguinaldo, in disguise, has gone the same way with a view to reaching the same destination. The movement of my column in Bataan and Zambales may expedite flight of fugitives if, by chance, they are moving as reported, in which light possibility of intercepting them is suggested if they should attempt embarkation on coast of Bataan.

MACARTHUR.

MANILA, December 6, 1899.

General MACARTHUR, *Bautista*:

The insurgent force which surrendered to detachment Fourth Cavalry at Bayon-bong, as officially reported, belong to the command of General Canon. Contents of your telegram advising us of the route on which Aguinaldo and his wife are reported to have fled duly noted.

SCHWAN, *Chief of Staff*.

BAUTISTA, December 6, 1899.

General SCHWAN, *Chief of Staff, Manila*:

General Grant entered Llana Hermosa without opposition, yesterday, about noon. He entered Orani at 4 p. m., after slight resistance, 2 insurgents being killed. At 5.30 Grant's advance was about 3 miles on road to Balanga, which place he will occupy to-day. All towns thus far occupied in Bataan have been deserted, and part of the town of Dinalupihan was destroyed by fire. An insurgent wire extends from Dinalupihan to Orani, which may be possibly repaired and connected with our telegraph office at Dinalupihan.

MACARTHUR.

BAUTISTA, December 7, 1899.

General SCHWAN, *Chief of Staff, Manila*:

General Grant starts from Dinalupihan for Subig to-morrow, 8th, at daylight, leaving his wagon train at Dinalupihan, securely guarded. He anticipates that the country through which he will pass will afford little or no food supply, and asks that rations be sent to Subig, by steamer, to reach there not later than the 10th. I request that a steamer be sent accordingly, with 6,000 rations and 40,000 rounds of reserve ammunition, to remain at Subig, if possible, until he has concluded operations in that vicinity. This will give him twenty days for his 300 men, ample time to explore coast to the north and open communication with the Iba column, and possibly clear up the entire situation in Zambales. Please advise me in the premises, so that I can communicate final orders to Grant before night, if possible.

MACARTHUR.

BAUTISTA, December 8, 1899.

General SCHWAN, *Chief of Staff*:

Reconnaissance toward Olongapo sends information that natives report Mascardo entrenched at that point. I doubt the reliability of the information, but have ordered Grant to attack if he is found there. If possible please advise the naval ships in Subig Bay that cooperation from Olongapo to Subig would be very desirable during the next two or three days. If we have many wounded to care for it will be impossible to get them back over the trail, as it will be impassible for that purpose. I have suggested to Grant that instead of relying on naval ships to carry away his wounded, if he has many, he make an emergency hospital in Olongapo, and that assistance will be sent by water to remove the wounded to Manila. I heard by messenger from the Iba column to-day, which was on the Bucao River, about 20 miles from Botolan, on the 6th. They have met with no opposition whatever so far, but have a pretty hard time on account of the difficulties of the trail. They expected to reach tide water to-day, however, and possibly reconnoiter Iba.

MACARTHUR.

BAUTISTA, December 9, 1899.

General SCHWAN, *Chief of Staff, Manila*:

The Iba column was at San Fernando at 5 p. m., on the 7th. They encountered a bunch of natives with bows and arrows, who ran on approach of troops. A small party of Mauser men fired on column 1 mile east of San Fernando, wounding private John Goodman, Company M, Twenty-fifth Infantry, slightly, in the left leg. Inhabitants from San Fernando fled to the woods; a few returned and reported that no insurgents had been there for two weeks; said that San Miguel, with two companies was at Botolan, and Hizon at Iba. Strength of Hizon not stated. They succeeded in getting a local guide at San Fernando and intended to make a night march on the 7th. Yesterday they should have reached Botolan, and possibly Iba.

MACARTHUR.

BAUTISTA, *December 11, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

The property captured at Mangatarem and vicinity has been delivered at this point. It consists of 17 cannon, 100 small arms, a quantity of tools from the arsenal, some 18 boxes of records, postage and other stamps, making altogether several tons. I propose to retain it here under guard until the railroad is open through to Manila. I propose to send a detachment of 200 selected men of the Thirty-sixth Infantry and 50 cavalry to Santa Cruz to scout down the coast as far as Iba, and thereafter to scout north to Dasol, Sual, San Isidro, Salasa, Aguila, and so back to starting point. Is there any objection to this movement?

MACARTHUR.

MANILA, *December 11, 1899.*

General MACARTHUR, *Bautista:*

No objection to your proposed expedition of 250 infantry and cavalry to Santa Cruz and other points provided you consider such force sufficient. It can be supplied by water at Santa Cruz and Sual only.

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 11, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

Information by courier from Botolan, dated 9 p. m., December 8, reports the occupation of the town on that day, all inhabitants leaving on the approach of the Americans. Insurgents numbered about 80 and made little resistance. Two Spanish prisoners found in town who reported that Hizon went to Bataan some time ago with only 30 men, and that San Miguel is somewhere on the northern coast of Zambales. The command expected to occupy Iba on the 9th.

MACARTHUR.

BAUTISTA, *December 11, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

Dispatch from General Grant at Olongapo, by means of U. S. S. *Baltimore* through Manila, reports occupation of Olongapo and Subig on the 10th. Insurgents offered little or no resistance at either place. In pursuance of original plan, Grant will move north along the coast to connect with column at Iba.

MACARTHUR.

From the foregoing telegrams it will be perceived that the entire force of insurgents withdrew up the railway during General MacArthur's advance from Angeles; that it retreated to the west of the railroad, excepting the few who escaped north through Pozorrubio, and those detachments sent east against General Lawton's troops while they were marching from San Isidro to San José; that they became demoralized, disorganized, and scattered within the section of country south of the line which General Wheaton had held from the west Luzon coast at San Fabian in the direction of Binalonan. Doubtless most of the individuals composing the enemy's organizations deserted and made their way to their homes during the retreat, presenting themselves to our troops as friendly inhabitants. This army of the north, numbering between six and ten thousand men, upon which Aguinaldo had builded his hopes of being able to resist the advance of the United States troops, had lost all of its artillery, ammunition, supplies, and several hundred of its guns, and it was no longer possible for his officers to maintain an organization of any numerical strength within the section of Luzon passed over by our troops. The section traversed was that portion lying west and north of the Rio Grande de Pampanga to the foothills of the Zambales Mountains. The retreat of the enemy

was, as it had been supposed previously it would be, to the west of the railway, preparatory to entering the mountains where arsenals and storehouses had been placed, and where he did not believe our soldiers could follow successfully. In the recent rebellion against Spain, Zambales was considered of great importance, and in fact next to Cavite it was of all Luzon provinces most loyal to the insurgent cause.

General MacArthur's repeated invitations to issue a proclamation declaring all insurgents without the pale of the laws of war, and calling upon them to give adhesion to American authority, else suffer the consequences which the law prescribed, were not favorably considered, although the facts and conclusions presented were undeniable and had become matter for consideration before he submitted them. I endeavored to ascertain if any formal decree had been issued by Aguinaldo or by his authority which directed guerrilla warfare, but was always assured that no orders to that effect had been given; that at the meeting at Bayambang, held on November 13, which he and his principal officers attended, those participating verbally agreed among themselves that each would take the field with such force as he might be able to maintain and attack us wherever success was likely to reward him. Of course it made little difference whether or not the insurgents were acting under orders, as the fact that they were engaged in armed opposition of a character universally condemned was sufficient in itself to justify us in imposing the most severe measures, but was it policy? Should a proclamation be issued, it must be made operative throughout the Philippines, and the portion of the same we commanded was only a fragmentary part of the entire Philippine country. We could not so publish it as to bring it within the knowledge of the ignorant masses from which the insurgent armed force was drawn. As late even as February officers of rank commanding insurgent troops in southeastern Luzon were not aware that Aguinaldo had been driven from his capital at Tarlac, but were addressing their official communications to him there, still styling him "The Honorable Presidente of the Filipino Republic."

Throughout November and December the enemy had a formidable army in southern Luzon and maintained many strong armed organizations in the immediate neighborhood of Manila, and a number of the southern islands contained well-organized insurgent troops. These would not believe any facts which we might proclaim, but would remain the dupes of their officers. Besides, the insurgents at this time had in captivity American soldiers and more than 5,000 Spanish subjects, upon whom they would retaliate should we publicly proclaim an intended enforcement of the law in all its rigor. Our mission was to pacify the inhabitants by acquainting them with a knowledge of our pacific intentions, which a proclamation drawn upon lines the circumstances warranted would certainly have misled. The insurgent leaders, civil and military, were, as I knew from the confessions of those captured or who had surrendered, fully aware of the penalties they invoked by adopting guerrilla methods of warfare, and our own officers had a keen appreciation of conditions. It was not therefore thought to be prudent to openly proclaim to our soldiers that all Filipinos still bearing arms, whether collectively or individually, merited the fate of robbers or murderers caught red-handed, for fear that barbarities might result, or at least that too great a license might be practiced. Again, for many reasons which readily suggest themselves, it was nec-

essary to maintain a condition of war until all large rebel organizations could be scattered. Hence no action by proclamation was taken, although the changed conditions were utilized.

We will now bring forward to the middle of December the results accomplished by the troops of Generals Lawton and Wheaton (the first of whom on November 22 we left at Tayug and the second at San Fabian), leaving unconsidered for the present the movements of General Young (as his command became virtually detached and thereafter operated independently) further than to allude to reinforcements which the former furnished him.

General Lawton was now engaged in preparing the reconnoitering party to be sent to Bayonbong by the Tayug and San Nicolas trail; in feeling in the same direction through the Carranglan Pass, and in furnishing General Young with such of his troops west of Tayug as he could refit for continued severe field service. On November 23 the following dispatch was received from Lieutenant-Colonel Hayes, Fourth Cavalry, commanding at San Jose, and thereafter telegraphic correspondence ensued which follows in order of date:

SAN JOSE, *November 23, 1899.*

CHIEF OF STAFF, *Manila:*

Have forwarded two troops Fourth Cavalry, F and L companies, Batchelor's battalion, Twenty-fourth Infantry, and several small detachments of the Twenty-second Infantry and Third Cavalry, also division bull train of rations which came up from below, and were pushed to Tayug. The following are the last instructions I received from General Lawton: "Headquarters First Division, in the field, Tayug, November 22, 1899, 7.30 a. m.—Colonel Hayes: Open and read the inclosed dispatches. Show them to Russel. See that message to chief of staff is repeated to Colonel Kennon, and that reply is also repeated to him. Push along the supply train and also the infantry battalion. Do all you can toward securing guides and scouts, and arrange for start of column. Ascertain how natives pack carabao, and secure as many as needed. Send forward to me reply to message to chief of staff as soon as possible. (Signed) Lawton, major-general." Have a scouting party of 50 picked men and picked horses on the trail between Carranglan and Bayonbong with instructions to gather all information possible about the enemy in that direction. This detachment has three Viscaya guides, who know the country thoroughly and whom I believe to be thoroughly trustworthy.

HAYES, *Lieutenant-Colonel.*

CABANATUAN, *November 23, 1899.*

General SCHWAN, *Manila:*

Colonel Kennon left last night with his headquarters and is about Baloc now. Shunk's battalion Thirty-fourth reported as having returned from Aliaga on account of impassable roads beyond and is now with Kennon, I believe. Should say they took approximately 20 carts. Baldwin's battalion Twenty-second Infantry left here early this morning. Taylor's battery crossing ferry here now. Reported two companies Thirty-fourth Aliaga and one company Talavera. One battalion Twenty-fourth Infantry Cabanatuan. About 14 wagons and 20 carts left here day before yesterday for San Jose with rations, escorted by Erwin's troop, division headquarters, and Twenty-second Infantry battalion. Trains in addition to Kennon's train before mentioned left yesterday, carts and wagons lightly loaded. Should say 450 pounds on carts and 2,000 pounds on wagons. Shall send additional information this evening if I can.

RUSSEL, *Captain.*

HEADQUARTERS FIRST DIVISION,
IN FIELD, TAYUG, *November 24, 1899.*

CHIEF OF STAFF, *Manila:*

There appears to be no organized force of insurgents east of the railroad south of the mountains and north of San Isidro. It is evident that the property of the insur-

gent government went over the trail from San Nicolás; that some troops passed that way; also that it was the rear end of the train that was captured by Young; that Aguinaldo intended to pass by this road, but that he was cut off by Young. Many of the insurgents are returning individually. The people of this country are disaffected toward Aguinaldo and there is little trouble in securing information and assistance. I do not think the insurgents can remain north of the mountains. We can now more readily distinguish them from the natives, who will not conceal them.

LAWTON, *Major-General.*

MANILA, November 24, 1899.

General LAWTON, *Tayug:*

Indications are that very few insurgent troops passed north. Aguinaldo and most of his officers in hiding in central and western Luzon to the south of you, or in charge of small detached forces operating as banditti. No insurgent government remains. Probably the greater part of the insurgent troops are "amigos" with arms concealed. Considerable increase lately of their troops at Mariquina and San Mateo. They are becoming bold again at Imus, Bacoar, and Calamba. Probably not more than five or six hundred insurgents between you and Bayonbong. Telegraphic communication established with Dagupan yesterday; probably with San Fabian to-day. You will give attention to the release of insurgent Spanish and American prisoners north. Ascertain where concealed and by what routes they can be communicated with. Have nothing from Wheaton since the 19th instant. More rations for your troops sent to Lingayen Gulf yesterday. Acknowledge receipt.

SCHWAN, *Chief of Staff.*

HEADQUARTERS FIRST DIVISION,
TAYUG, November 24, 1899.

CHIEF OF STAFF:

I hope the information wired me concerning Aguinaldo's whereabouts is correct, but doubt it. There is no information that he came to Tayug, although he doubtless started for this place, and his property and baggage came here and was captured. There is information that Aguinaldo was in Urdaneta and that his wife was at Asingan, where she spent the night. I was shown the house in which she slept. Cut off from Tayug, Aguinaldo passed through Binalonan to Pozorrubio, where he spent the night of the 14th, passing north via Alava, as has before been explained. I was skeptical of all this information until I heard the statement of Señor Luis Perez, from his own lips, that Aguinaldo was in Pozorrubio on the night of the 14th. There are other items of corroboration too long to explain. Still, it may have been prearranged deception. I am inclined to think now, however, Young is on the right trail. Have you received messages sent by the *Oregon*?

LAWTON, *Major-General.*

SAN JOSE, November 24, 1899.

CHIEF OF STAFF:

In reply to telegram yesterday, General Lawton has ordered troops forward. Batchelor's battalion, Twenty-fourth, should now be at Tayug. Baldwin's battalion is near San Jose and will push on toward Humingan to-day. Shunk should be here by this evening. Keller's battalion, Twenty-fourth, is at Cabanatuan. Plummer, with three companies Thirty-fifth and two guns at San Isidro, with two at Cabiao, one at San Antonio, one at Jaen—all outposts of San Isidro. Two companies Thirty-fourth in Aliaga, one at Talavera. Recommend abandonment of Talavera. All division trains were passed on from Cabanatuan with bull teams and mule train before I left; also all trains of my command, and one more bull train was said to be coming to San Isidro.

KENNON, *Colonel.*

MANILA, November 24, 1899.

Colonel KENNON, *San Jose:*

Abandonment of Talavera is within scope of your authority, subject to approval of General Lawton.

SCHWAN, *Chief of Staff.*

FIRST DIVISION,

In the Field, via Tulavera, November 25, 1899.

CHIEF OF STAFF, Manila:

Message 22d concerning columns to Bayonbong received. The General's wishes will be observed. Castner's scouts, supported by Batchelor's battalion, Twenty-fourth, left San Nicolás yesterday over trail. They will proceed cautiously, preceded by native scouts who know the country well. The possible course of Aguinaldo and his escort, followed by General Young, was understood and considered before receipt of message. Will try to keep Young well supported.

LAWTON.

CAVITE, November 25, 1899.

General OTIS:

Communicated with Wheaton Tuesday afternoon, 21st. He reports capture San Fernando de la Union and Santo Tomás. General Young in San Fernando awaiting supplies, ammunition and horseshoe nails, which *Callao* took to him that day. *Samar* to take company of infantry there, later to garrison place. Young to push on Aguinaldo's trail, following it toward Trinidad. Aguinaldo reported to have been on coast near Agoó. Wheaton had reports that Aguinaldo's adjutant and part of family had been captured, but this dispatch was not entirely clear in transmission. Left *Oregon*, *Callao*, and *Samar* in Lingayen Gulf with orders to cooperate. Launch *Fortuna* captured at Dagupan by army. Just in. Perhaps you have later news.

WATSON, Rear-Admiral.

*MANILA, November 26, 1899.*General LAWTON, *Tayug*:

We have wire communication with San Fabian. Last evening Wheaton directed to send two of his battalions to Vigan overland, and vessel with rations will touch in there and at San Fernando. The march will require six days. Your force doing most excellent work on Bayonbong road. Paterno left Tarlac with insurgent treasury 8th instant; Buencamino and Aguinaldo on night 13th. Buencamino now here. He says Aguinaldo started out with 2,000 men from Dagupan and Bayambang, but only got through with small party. It is not thought that he can cross to Bayonbong. Certainly he can not do it with his transportation.

SCHWAN, Chief of Staff.

*MANILA, November 26, 1899.*General LAWTON, *Tayug*:

Wheaton reports to-day that Aguinaldo was in the vicinity of Trinidad on 23d instant, and that he sent messengers to Mangatarem to inform insurgent chief that if he could not get to Bayonbong he would continue north to Bangue.

SCHWAN, Chief of Staff.

HEADQUARTERS FIRST DIVISION,

IN FIELD, TAYUG, November 25 and 26, 1899.

CHIEF OF STAFF:

I desire to report I have fully and successfully complied with all instructions so far given me in connection with the operations of the present campaign, particularly my written instructions on the 2d instant. San Jose and Carranglan were promptly occupied, as well as Humingan and Tayug, as indicated therein. In addition to these points, my troops have occupied San Quentin, San Manuel, Asingan, Binalonan, Pozorrubio, and Urdaneta, at most of which the enemy was met and destroyed. It is not the intention in this message to detail all the work done by this column, but simply to say that the work contemplated has been executed successfully, and to ask for further instructions. There is no organized enemy in force in the locality occupied by my troops, and it can now be held and kept in order by one regiment of infantry or one squadron of cavalry, to be stationed at convenient points, not more than two companies being necessary at any point, and by dividing the territory into districts, giving to each company specific limits within which to maintain order. Having accomplished the duty assigned to me, I now ask further instructions. Troops are in good condition and are having daily drills.

LAWTON.

MALACASAN, November 26, 1899—10 p. m.

General LAWTON, *Tayug*:

For consideration of proposed movement on San Miguel, and in connection with your report of substantial accomplishment of the objects of your campaign, please wire me a statement of the stations or whereabouts of the several organizations of your field column. The messages you sent us by *Oregon* were duly received. The report that I wired you that Aguinaldo left Bayambang going westward is now known to be erroneous.

SCHWAN, *Chief of Staff*.

MANILA, November 26, 1899.

General LAWTON, *Tayug*:

Colonel Kobbé is with his regiment and under your command. Could he not take detachments from Cabiao, Arayat, and San Isidro and attack Pilar at San Miguel? Yesterday three companies and one gun returned to Baliuag, having driven Pila through Maasin and Ildefonso to San Miguel, where they found insurgent force too strong to attack.

SCHWAN, *Chief of Staff*.HEADQUARTERS FIRST DIVISION,
IN THE FIELD, TAYUG, November 27, 1899.CHIEF OF STAFF, *Manila*:

Your messages 26th just received, 5 p. m. 27th. Referring to one concerning my being able to leave this line for work in the south, I have the honor to say I feel there is nothing in the situation here requiring my presence, as you will see by dispatches sent earlier to-day. I have made dispositions to leave for the north to superintend release of prisoners. Others can attend to that. Can leave for south immediately. Can sweep insurgents through San Miguel and down Mariquina Valley. Please wire me situation immediately, for which the messenger bearing this will wait. Would like to take Fourth Cavalry, and can take Kobbé's regiment, some of Thirty-fourth, and scouts. Some of my troops, during my isolation from high water, moved without sufficient authority, embarrassing me somewhat. I will await reply here.

LAWTON.

MANILA, November 27, 1899.

General LAWTON, *Tayug*:

Why march any portion of the Thirty-fifth Infantry (Kobbé's) on San José and Tayug? Why not send what can be spared of that regiment from the San Isidro and Arayat country down on Pilar at San Miguel, who has the only organized force of any numerical strength between Manila and Tayug? We notice this morning that your troops have withdrawn from Cabiao. Yesterday's developments indicate that there are two or three bodies of troops west of the railroad, numbering each some 500. These MacArthur will take care of, and already much of their artillery and ammunition have been captured. You have our dispatch of yesterday concerning orders to Wheaton to send two battalions Thirty-third Infantry to Vigan. Balance, under your orders, leaves San Fabian to-day, and we send up by boat this evening rations and horses for all troops in the north, which boat will touch at both San Fernando and Vigan. Telegraph line to San Fabian, which is being extended eastward in your direction. What have you discovered in the Bayonbong road?

SCHWAN, *Chief of Staff*.

SAN FABIAN, November 27, 1899.

General SCHWAN, *Manila*:

To prevent the murder of Aguinaldo's mother and his little son by the natives about Cabaruan I have brought them here and placed them in the care of the padre at San Fabian.

WHEATON, *Brigadier-General*.

MANILA, November 27, 1899.

General WHEATON, *San Fabian*:

The mother and son of Aguinaldo are to be sent to Manila under proper care by first available steamship. Report their departure by telegraph.

SCHWAN, *Chief of Staff*.

SAN FABIAN, November 27, 1899.

General SCHWAN,

Chief of Staff, Manila:

Will embark one company Thirty-third Infantry on gunboat *Cullao*, and send it to Vigan to hold place until arrival of Young or Hare. Will send another company when *Castellano* goes to Vigan.

WHEATON.

SAN FABIAN, November 27, 1899.

General SCHWAN:

Two battalions under Hare left this a. m. to march to Vigan. I sent one company Thirty-third on gunboat to Vigan to-day. It will reach there by morning. March was at San Fernando yesterday, about to go to Young, who was awaiting reinforcements at Namacpacan.

WHEATON, *Brigadier-General*.

SAN FABIAN, November 27, 1899.

General SCHWAN, *Chief of Staff*:

The U. S. gunboat *Cullao* is just in and reports that *Oregon* landed battalion marines at Vigan yesterday. Reports Spanish and American prisoners at Bangued. General Young was at Namacpacan, having returned from the mountains about the 23d instant; was reported as moving north.

WHEATON.

SAN FABIAN, November 27, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Major Cronin, Thirty-third Infantry, turned over to me yesterday 73 rifles and \$1,191 (Mexican) captured by his command.

WHEATON.

MANILA, November 28, 1899.

General LAWTON, *Tayug*:

Telegraph wire by way of San Fabian should reach Tayug to-day. Your three messages of yesterday not fully comprehended nor present location of your troops understood. Have you troops in Bayonbong? Your messages indicate that scouts and battalions Twenty-second and Thirty-fourth now there. Are not five companies Thirty-fourth on trail General Young? As soon as wire reaches you matters can be cleared up. MacArthur will move two or three columns west of railway, where bulk of insurgents who were at Tarlac and Bayambang believed to be, although greatly scattered. Wire by San Jose now working fairly well.

SCHWAN, *Chief of Staff*.

TAYUG, November 28, 1899.

CHIEF OF STAFF, *Manila*:

Through action of over-zealous subordinates, part of the Thirty-fifth Infantry came forward without my orders or knowledge. From my message of yesterday you will see that they are all to return and original places to be occupied. Kobbé has been wired to use all he needs for movement San Miguel. I did not operate south because my orders contemplated movements west and north, my latest order being to ascertain whereabouts and release prisoners. Am awaiting anxiously reply to message last night to know if I shall go south or north. Nothing received from column en route to Bayonbong; it is therefore assumed that nothing of interest has occurred. The advance must have reached Bayonbong by this time. First news will be communicated at once.

LAWTON, *Major-General*.

SAN FABIAN, November 28, 1899.

General SCHWAN, *Chief of Staff, Manila:*

Eleven companies Thirty-third Infantry and my scouts are marching to the support of General Young. He has with him Macabebe scouts and three troops cavalry. One troop cavalry and battalion Thirty-fourth Infantry are between here and Santo Tomás, marching to join General Young. Ten hundred and twenty-three men, cavalry and infantry, of Lawton's division are here, en route to Young. They are waiting to shoe horses and get shoes for men.

WHEATON.

MANILA, November 28, 1899.

General WHEATON, *San Fabian:*

Hold the 1,023 men reported by you as at San Fabian en route to join Young. Acknowledge receipt.

SCHWAN, *Chief of Staff.*

SAN FABIAN November 28, 1899.

General SCHWAN, *Chief of Staff:*

The following belong to Lawton's division and will be held here in compliance with orders: battalion Twenty-second Infantry, eight troops Third Cavalry, two companies Thirty-seventh Infantry, detachment Macabebe scouts. All were, under General Lawton's orders, to join Young.

WHEATON, *Brigadier General.*

SAN FABIAN, November 29, 1899.

General SCHWAN, *Chief of Staff, Palace:*

Dispatch from Wilder states that Young moved north from near Nampacapan with remnants three troops Cavalry and March's battalion of the Thirty-third. Macabebes south seem to be with Wilder in the rear. One hundred of them sick at San Fernando. Recommend that one troop of Cavalry be sent from here to take station at San Fernando.

WHEATON.

MANILA, November 29, 1899.

General WHEATON, *San Fabian:*

We expect to send hospital ship *Relief* to you to-night. She is fast and should report at San Fabian to-morrow afternoon. She can go to San Fernando and receive such of the sick there as it may be necessary to bring to Manila and take on any serious cases you may have with you. She can take on 150 sick men. You will send up to San Fernando two troops of the Third Cavalry at once. The other troops will probably follow when in condition, but that will depend on developments.

SCHWAN.

MALACASAN, November 29, 1899—10 p. m.

General LAWTON, *Tayug:*

* * * Eleven companies of the Thirty-third are following General Young and the advance battalion must be near Vigan to-day. He will not require any more infantry troops and Wheaton has the entire Thirteenth with him. The Twenty-second Infantry battalion can be taken to San Fernando, near Calumpit, by rail and can be used against San Miguel. As for the Fourth Cavalry—I presume its withdrawal must depend on developments at Bayombong. Wheaton can take your place at Tayug with 2 battalions, Thirteenth Infantry, leaving 1 on coast, and with troops at San Jose, Cabanatuan, San Isidro, and possibly a company at Cabiao and 1 at Talavera, the country up there would seem to be fairly well protected. By leaving the Thirty-fourth in that section and the 2 battalions of the Twenty-fourth, could not all of Kobbe's regiment be withdrawn? This would also release Baldwin's battalion of the Twenty-second for Arayat and that section. A force must be kept at San Miguel after it is taken and part of Twenty-second could be left there. This would place all of the Twenty-second and Twenty-fourth Infantry in near positions.

We heard to-day that Bayonbong would surrender. Should this prove true certain other dispositions must be made. San Miguel can be attacked from the south by the Sixteenth Infantry, and a force can be placed at Angat and Norzagaray to block road, the Baliuag troops watching Bustos. Hope telegraph line will reach you soon. Insurgents in south remain quiet, but retain numbers.

SCHWAN, *Chief of Staff.*

HEADQUARTERS FIRST DIVISION,
TAYUG, November 30, 1899.

CHIEF OF STAFF:

Replying to message 28th instant, just received, referring to troops to be held at San Fabian, I have not heard from Young since 23d instant. Troops ordered to him sent in response to his urgent request. All were ordered to San Fabian to receive further instructions from Wheaton or to report to Young by courier for instructions while refitting. If Young does not need them they should be held at San Fabian to refit and secure supplies. All troops on this line have been without any or half rations to this date. Supplies arrived last night, so that full rations will be issued to-day. Am informed construction of telegraph line from San Jacinto to this point has not yet been started. Sent order 25th instant to Captain Russel to send operator and instrument here at once, but have had no response. Presume he is under orders chief signal officer. Suggest he be ordered to open this line. I would have been at San Fernando by this time, but for your message of 26th instant informing me that I would be ordered south. I sent reply immediately that I could leave at once and am now awaiting orders.

LAWTON, *Major-General.*

MALACASAN, November 30, 1899.

General LAWTON, *Tayug:*

Construction of telegraph line from San Fabian eastward was being pushed with all possible dispatch when stopped on representation that insurgent line Bautista to Tayug nearly intact. But it is found that gaps greater than supposed exist, and work on latter line will not be completed until tomorrow, Friday, if then. Department commander does not deem it prudent to change your field of action until definite information respecting situation at and near Bayonbong is received.

SCHWAN, *Chief of Staff.*

HEADQUARTERS FIRST DIVISION,
IN THE FIELD, November 30, 1899.

General SCHWAN, *Manila:*

I was about to start for the north to carry out instructions to ascertain whereabouts and liberate prisoners, when I received your message that I was needed south when I could be spared from here. Wired you at once that I thought I could go now and have remained here since, awaiting instructions. Please let me know personally what is desired of me and what I should do. Everything is apparently all right all along my line, and no more evidence of any enemy than if war had never prevailed.

LAWTON, *Major-General.*

HEADQUARTERS FIRST DIVISION,
TAYUG, November 30-December 1, 1899.

CHIEF OF STAFF, *Manila:*

Message 29th received 7 p.m. this date, much garbled but think it understood. Third Cavalry should go forward to Young when equipped. It is evident from your message situation here not fully understood, and it is difficult to explain intelligently by wire. Let Ballance's battalion be sent by rail to San Fernando as you suggest; let Wheaton come here with two battalions Thirteenth and I think we can so dispose troops that results you desire will be accomplished. At least six troops Fourth Cavalry can go with me south, and I should be authorized to take them. The situation at Bayonbong can not be affected either way. Batchelor's battalion with Lowe's

scouts must be in Bayonbong by this time. Baldwin's battalion Twenty-second following over trail as support, but after receipt of report from Batchelor, wired you yesterday; messenger was sent to recall him and he should return in two days. On arrival of Wheaton I will move the Thirty-fourth back to points mentioned by you and relieve Thirty-fifth. Will also take Fourth Cavalry and will move on San Miguel at once. You know I am perfectly familiar with the country.

LAWTON, *Major-General.*

FIRST DIVISION HEADQUARTERS,
IN THE FIELD, November 30, 1899.

CHIEF OF STAFF, *Manila:*

Referring to your message directing destruction of printing outfit captured here, I have found an expert printer who says the outfit is one of the best he has seen; that few offices in the United States have better; that on superficial examination he estimates that it would be worth in the United States at least \$5,000. It is the insurgent government printing office. In view of the fact that I am now sending empty trains to the coast for supplies, I submit the matter for reconsideration. Following is list: Sixty-seven fonts display type, of which probably sixty could be gotten out whole; thirty-two fonts of body type, ranging from 6 to 12 points, of which twenty-five could be gotten out whole; one case of ornaments; one case of rule borders in good condition; one express Pony cylinder press; one Albert & Co. paper press (cylinder); one Albert & Co. job press; one Pierron & Eddehaire paper cutter, and other sundries.

LAWTON, *Major-General.*

HEADQUARTERS FIRST DIVISION,
IN THE FIELD, TAYUG, November 30, 1899.

CHIEF OF STAFF:

I send you with this latest received from Castner and Batchelor, crossing trail Bayonbong, received last night. Supplies are being sent to them by native carriers.

"Camp near About River, November 26, 1899.—To Major-General Lawton, Tayug: Left San Nicolás about 5 a. m. November 24. Met Private Schick and 16 Tagalos about 3 miles from town with two prisoners. Sent him ahead up trail, which turns to left, up steep hillside through thick bamboo. For about 5 miles trail is excellent. With little improvement bull carts not too heavily loaded can go over it with ease. Trail for this distance follows sides of mountains with easy grades, much labor having been expended on it. At end of 5 miles trail becomes too narrow and too steep for bull carts. Continued to cuartel formerly used by Spanish troops, about 12 miles from San Nicolás. Found it burned and no insurrectos. Recent occupation and sign on trail of passage of many ponies, carabao, and people. Continued on until about 8 p. m.; trail got very narrow. Several bridges on roads at ravines. Pony train attempted to follow me, but seven ponies fell over hillside, about 300 feet, to creek bottom. It was too dark for even a man to walk over the trail safely. Two ponies had to be killed. Made about 16 miles. Men very tired and had to go to bed without anything to eat. Next morning got some food, very little, and started ahead. Trail was very steep and went over mountain about 5,000 feet high. Men, particularly Tagalos, were so exhausted from hard climbing, had to make a long halt at noon and cook a little rice, which Twenty-fourth Infantry had when they came up. All were very weak from lack of food. Camped about 2 miles from Knapo. Tagalo scouts at that place. Twenty-fourth Infantry made a dry camp about 3 miles behind me. Reached Knapo about 8.30 to-day. Only a cuartel. Evidence of recent occupation by insurrectos. Left Twenty-fourth Infantry cooking breakfast. Marched to this point, about 12 miles from Knapo. Trail good and well defined, but over very high mountains. Tagalo scouts should be in Santa Cruz to-night; estimated 6 miles from this camp. Believe Twenty-fourth Infantry did not move from Knapo, as the trail behind them has many stragglers on it and the command is much exhausted from hard climbing and lack of food. My ponies are with me, but quite worn. Have three more days of food, but can make it last six days. Insurrectos left no ponies or carabaos on trail. Find the natives call it three days from San Nicolás to Bayonbong, but they are good mountaineers, carry a little rice, and make from 25 to 30 miles a day. Believe it is a good five-days' march for our troops, unused to anything but mud and bogs. Nothing of importance has happened. No people save a few old men and women in the country. Should be in Bayonbong day after to-morrow. Pack trains or native carriers only means of transportation which will work over

trail. Men in good condition. Only one Tagalo behind; he should reach us to-night. Tagalos ahead seem entirely confident and trustworthy. Hope the train I sent back can get rations, ammunition, and return at once.

"Saw a few deer on trail; no other game. High grass everywhere; not much timber. Very cold weather in the mountains. Streams; apparently no fish. Insurrectos can not live in these mountains without bringing in food with great labor. Believe they are hiding about one-half day's journey from the valleys. Believe much plunder is still hidden at San Nicolás. Immediate advance toward Bayonbong prevented me from investigating trails near San Nicolás. Barrio of Santa Maria near there is hot bed of insurrectos, so my Tagalos report. Am doing all I can to push forward, but do not wish to drive my men and land them in the valley of the Rio Magat too weak and worn for any use. Have marched about 40 miles by trail in three days—equal to 70 miles in level country. Pony train has worked well. Twenty-fourth Infantry have not seen their ponies since leaving San Nicolás. All maps I have seen of the country are erroneous and give no idea of the trail at all. Will be off as soon as I can see the road to-morrow, and hope to reach Bayonbong the day after. Very respectfully, (signed) Castner."

"Near Santa Rosa, November 27.—Adjutant-General First Division: I reached this point without opposition of any sort. Scouts are in my front. The trail is much harder than was reported at San Nicolás. My pony train has not been seen since leaving San Nicolás, but bearers employed there have kept me supplied with rice. I have seen cattle but once, and think there are practically none in the mountains. The trail winds so badly can not give distance marched. I would estimate it at 35 miles. I still have two hard marches to Bambang. I have captured 16 of Aguinaldo's men going to Bayonbong to join him. They seem greatly dispirited and were hungry. I sent them back with orders to go to San Nicolás and get food. Will probably need ammunition. Will get food of some sort. Command following will need guides at Cuyapo. I have been obliged to make one dry camp and to shorten my march two days on account of water; first water beyond Cuyapo, next this side 9 miles. I wrote from latter point. Very respectfully, (signed) Jos. D. Batchelor, jr., Twenty-fourth Infantry, commanding First Battalion."

LAWTON, *Major-General.*

MANILA, December 1, 1899.

General LAWTON, *Tayug:*

Your recommendation respecting disposition of captured insurgent printing press is approved. The department commander has ordered Ballance's battalion Twenty-second Infantry to proceed by rail to San Fernando, with a view to its use under your general direction at Angat or elsewhere against Pilar's troops, who, according to latest accounts, are gathering a supply of rice. Your message repeating reports of Batchelor and Castner of their progress toward Bayonbong is received.

SCHWAN, *Chief of Staff.*

MANILA, December 1, 1899.

General WHEATON, *San Fabian:*

You will in person relieve General Lawton at Tayug and take supervision of the north line, taking with you 1 battalion Thirteenth Infantry and leaving at San Fabian headquarters, and 1 battalion that regiment to follow you later, as soon as San Fabian can be cleaned up and all stores removed to Dagupan. Ballance's battalion comes down at once to San Fernando. The cavalry troops will go north as soon as outfitted, although 3 troops can remain at San Fabian until other dispositions can be made. You will find 1 battalion Twenty-second Infantry at Tayug and probably 1 battalion of the Twenty-fourth, the other being in Bayonbong with Castner's scouts and troops Fourth Cavalry. Go on to Tayug as soon as practicable for conference with General Lawton, whose services are required in this vicinity.

SCHWAN, *Chief of Staff.*

MANILA, December 1, 1899.

COMMANDING OFFICER, *San Jose:*

Please telegraph me full account of latest information you have concerning situation at Bayonbong, and of conditions and location of troops within your sphere of observation.

SCHWAN, *Chief of Staff.*

SAN JOSE, *December 1, 1899.*

CHIEF OF STAFF:

Following message just received from Captain Erwin, Fourth Cavalry: "Dupax, November 30.—To Commanding Officer, San Jose: I have the honor to report my arrival here at 5 p. m. yesterday, November 29. The trail over the mountains is exceedingly rough and difficult and delayed my march. I communicated with Lieutenant Munro, Fourth Cavalry, at once and found him and his command safe. He, with a detachment, had gone to Bayonbong, leaving a detachment here, and I learn from natives who left that place at 1 a. m. yesterday that General Canon surrendered to the Americans on the 28th. Lieutenant Munro informs me by note received to-day that he will leave Bayonbong at 1 p. m. to-day with General Canon and officers, some 70 Spanish and several American prisoners. Will camp at Bambang to-night. The presence of the prisoners will probably delay my march in return. I had counted on four days, leaving here to-morrow, but it will take six. I believe I have rations enough; if not, will communicate with you and ask to have rations sent me at Puncan. I will return by the same route, thus enabling you to reach me at any time. The command came through all right after working very hard both day and night. (Signed) J. B. Erwin, Captain Fourth Cavalry."

HAYES, *Commanding.*TAYUG, *December 2 and 3, 1899.*

CHIEF OF STAFF, Manila:

I repeat to you message just received from Batchelor, commanding battalion Twenty-fourth Infantry at Bayonbong. His instructions did not in any contingency contemplate an advance down river valley below Bayonbong. However, the raid may not be a bad move. Wire immediately such instructions as you wish sent him. I will try to have them reach him in time. Orders to Baldwin's battalion Twenty-second Infantry to return do not seem to have reached him.

LAWTON, *Major-General.*

"Bayonbong, December 2, 1899.—To Adjutant-General, First Division: I have the honor to report my arrival at this town without opposition. The governor of the province, General Fernando Canon, yesterday surrendered the province—three cities, 110 Spanish and 10 American prisoners, and about 60 rifles; delivery not yet completed—to Lieutenants Castner and Munro, who arrived at the same time. Castner, though senior, accorded reception of surrender to Munro in consideration of negotiations already carried on by latter. I have directed people not to be molested. Liberated surrendered insurgents and have general and his officers at liberty in the town, but preparing to go to Manila. I am informed that in Isabela there are about 1,000 insurgents and about the same number in Cagayan, and about 200 American prisoners in latter province. General Canon informs me he has a letter from Manaoag, near Dagupan, strongly inferring presence there on November 20 of Aguinaldo and his family. The latter was to follow the treasure train and their baggage, but on learning of the capture turned back and went to Villavis and thence to Manaoag. I have heard a rumor that Aguinaldo was making a new trail for himself from near Trinidad toward the east. I find little to eat in the country; no sugar, scarcely any cattle, plenty of coffee and tobacco. My whole command greatly needs clothing, shoes, etc. There is no salt, and I hesitate to advance without it. Bacon all gone. I shall go up to the mouth of Rio Grande unless stopped by orders. Start in that direction to-morrow. I expect to reach Ilagan in about five days and Aparri on or about December 12. There is an insurgent general there with a reported force of 900. If any of these people make serious resistance I may need ammunition bad. I have heard that the Navy had a force of some sort off Aparri. The Rio Grande is usually navigable, according to report, and, judging from the volume of the Magat, up to Ilagan. Can not they bring me some salt and ammunition on a small gunboat? There is nothing to stop them to Ilagan. I shall presumably go down the river in cascos. Please so inform navy officer in charge of suggested gunboat. It would be a great relief to get some clothing. Some of my men are marching barefooted; all without stockings and some without trousers. I hope my next orders will reach me at Aparri by gunboat. Very respectfully, Jos. D. Batchelor, Captain Twenty-fourth Infantry, commanding First Battalion."

TAYUG, December 2, 1899.

CHIEF OF STAFF, Manila:

The following received at 10.15 a. m.

LAWTON, Major-General.

"Bayonbong, November 29, 1899.—Major-General Lawton: I have the honor to submit the following report of operations since my last, dated November 27: Marched all day November 28, over mountains through small barrio of Santa Cruz, and down Abot River to Bambang, 22 miles, trail crossing river many times. Tagalo scouts captured three insurgents on trail. One major and two captains captured in Bambang. Learned here that 8 cavalymen had come in from Dupax and left few hours before our arrival, also that their commander was treating through a peace commission, so called, in Bambang, consisting of Spanish prisoners, with the governor-general of Nueva Vizcaya, Bayonbong, for a surrender. This has been going on for several days. Peace commissioners' story was mixed, and I determined to march early on Bayonbong, fearing there some chance for treachery. Lieutenant Munro met me on the road and we entered Bayonbong. As he had already commenced negotiations with these people, I deemed it best to give him the honor of receiving the surrender and let him furnish his terms, as they seemed satisfactory and covered the ground there. The people here, if telling the truth, knew nothing of Aguinaldo. They say he was headed here, but never reached this valley. Will look about me and try to learn of his whereabouts if he is in the valley. Twenty-fourth Infantry are not yet here, though we arrived about 9 a. m. My pack train is with me. People are very good to us, and we can subsist. Will hold on here until Captain Batchelor arrives. Inhabitants tell me that Aguinaldo is not on good terms with these people and would have hard work to live in this country. No doubt many native troops could be raised in this province who would serve us well. * * * Very respectfully, J. C. Castner, first lieutenant, Fourth Infantry, commanding Lowe's scouts."

MANILA, December 3, 1899.

COMMANDING GENERAL, Tayug:

Department commander does not approve of the suggestion Lieutenant Castner makes in his report to General Lawton of November 29, that about 200 of the best of those soldiers (insurgents) who recently surrendered at Bayonbong be armed and equipped.

SCHWAN, Chief of Staff.

HEADQUARTERS FIRST DIVISION,
TAYUG, December 2 and 3, 1899.

CHIEF OF STAFF, Manila:

General Wheaton has arrived. We have arranged the transfer of commands satisfactorily. I will start south in the morning, taking six troops Fourth Cavalry, and six companies Thirty-fourth Infantry; latter to start as soon as relieved by Thirteenth Infantry, which has not yet arrived.

LAWTON, Major-General.

HEADQUARTERS FIRST DIVISION,
TAYUG, December 3, 1899.

CHIEF OF STAFF, Manila:

Following just issued: "Headquarters First Division, in the field, Tayug, December 2, 1899.—Special Field Orders, No. 29. The following movements of troops are ordered: Thirty-fourth Infantry, U. S. V., Col. L. W. V. Kennon, commanding, with headquarters, will proceed to take station at San Jose. Dorrington's scouts, now at Pozorrubio, will proceed at once to Cabanatuan and report to the division commander. Six companies, to be designated by the regimental commander, will, on receipt of orders, proceed to the points to which they may be severally assigned by the commanding officer of the Third Brigade. The regimental commander will notify the brigade commander, by wire, of the letters and present stations of the companies so designated. Fourth U. S. Cavalry, Troop F, now at Tayug, Troop G, now at Humingan, to San Jose, reporting upon arrival to the regimental commander, will then proceed as soon as practicable with headquarters and Troops L, B, D, F, G, and H,

to Cabanatuan, reporting upon arrival to the division commander. Commanding officers of troops at Pozorrubio, Binalonan, San Nicolas, Bayonbong, Tayug, Humangan, and San Jose will report to Brig. Gen. Loyd Wheaton, U. S. V., Tayug, who has been placed in temporary command of these points."

LAWTON, *Major-General.*

MANILA, *December 3, 1899.*

General WHEATON, *Tayug:*

General Lawton's dispatches were not received until to-day. He has probably proceeded to San Jose. Arrest Batchelor's advance north down the Magat and Rio Grande rivers, if possible. Ration his battalion at Bayonbong, where he will remain until further orders. Baldwin's battalion Twenty-second Infantry should be returned as soon as possible to Tayug unless you can ration it at Bayonbong. Send out by pack sugar and salt for troops and let bacon follow, if possible. You will be obliged to ration these troops via Dagupan, with wheel transportation to San Nicolas, thence by porters and packs. Report what you can do.

SCHWAN, *Chief of Staff.*

TAYUG, *December 3, 1899.*

General SCHWAN, *Manila:*

Messenger has been sent to stop Batchelor. Baldwin is at Bayonbong to-night. I will see if I can arrange train of bearers; if not, Baldwin must return to San Nicolas. If Batchelor gets back, then Baldwin should return. Lawton will be at San Jose to-morrow. If he could send silver to Bayonbong, rations could be purchased.

WHEATON, *Brigadier-General.*

SAN ISIDRO, *December 3, 1899.*

General SCHWAN:

Pantaleon Garcia is undoubtedly at Papaya beyond Pefiaranda. Sent out recently 15 circulars, one of which was addressed to Alejandrino and Macabulus, prohibiting troops from measuring strength with Americans, but directing them to harass patrols and outposts. Small patrols from Arayat toward Cabiao were attacked to-day, and the patrol from Cabiao toward Arayat had not returned at usual hour. Have directed commanding officer at Cabiao to confine his duty to guarding town and large accumulation of stores. I understand that Garcia is military commander in chief. Major Walsh has just returned from near San Miguel, to which place he went by the direct road this a. m. before daylight, with one company, the officers and men of which had no notice of what they were to do until announced just prior to marching out. In this he was enabled to approach and observe the intrenchments near Cameas, which soon filled in response to signal fires, with five or six hundred men. They did not fire on him, although within fair range. Can not communicate with General Lawton until he reaches San Jose. The direct road from here to San Jose, except one broken bridge, is excellent for this country.

KOBBE, *Colonel Commanding.*

MALACANAN, *Manila, December 4, 1899.*

General LAWTON, *Balog:*

Colonel Hood, Sixteenth Infantry, and 600 men held between Baliuag and Ildefonso awaiting your march south. Major Carson with Eleventh Cavalry (400 men) will start for Bocaue to-morrow morning en route for Angat. Pilar will endeavor to move on road east of San Miguel into mountains. If with cavalry you can strike him on that road, it would seem that the columns moving from north and south could disperse his troops quite effectively. The order for the Twenty-second Infantry to relieve the Thirty-fifth Infantry at Arayat will make it necessary to secure other troops for the San Miguel garrison, which must be quite strong for a time. Lockett, Eleventh Cavalry, is receiving horses. Three hundred just received and shod. More expected in a few days. No change in affairs south.

SCHWAN, *Chief of Staff.*

SAN ISIDRO, *December 4, 1899.*

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC, *Manila:*

I recommend keeping four companies of the Thirty-fourth here. One of them available to occupy Gapan and relieving four companies Thirty-fifth. One company Thirty-fourth at Cabiao and San Antonio, relieving two companies Thirty-fifth at the former place. One company of the Thirty-fourth to Arayat, relieving three companies Thirty-fifth. This was part of a recommendation to make the whole of the Thirty-fifth available, and was approved by General Lawton about noon to-day. I was notified by General Schwan that three companies Twenty-second Infantry were on their way to relieve three companies Thirty-fifth at Arayat. This will leave the company (Thirty-fourth) intended for Arayat available for San Antonio, and leave a company instead of a half company available for Cabiao, to remain there until stores are removed. The substance of the foregoing has been wired General Lawton, who directed it to be repeated to you. I go to meet General Lawton at Cabanatuan early to-morrow morning.

KOBBE, *Commanding.*

SAN ISIDRO, *December 4, 1899.*

General SCHWAN, *Chief of Staff:*

Telegrams for General Lawton are being held here, and I understand I can not communicate with him until he arrives here to-morrow. Garcia reenforced San Miguel from Papaya yesterday by about 800 men under General Acema, and I think combined force will expect and await attack there. We could readily take and occupy the town with force from here without unduly exposing this place, driving out the insurgents, who would take to the foothills east. Many would undoubtedly allow themselves to be captured, but not before passing their arms on to fresh men, ambitious to use them. I can see no utility in small patrols between garrisons over same routes at stated hours. They become careless with immunity from attack, can not reconnoiter away from the roads, while insurgents can concentrate, or let them pass, or gather them in. The six prisoners at Papaya are now being guarded with guns taken from them. This and other telegrams sent you for your personal information of the situation as I see it here and in ignorance of the general military situation. I hope they are not considered irrelevant.

KOBBE, *Colonel, Commanding Brigade.*

MANILA, *December 5, 1899.*

General LAWTON, *Cabanatuan:*

Colonel Hood had engagement at Ildefonso yesterday; 5 men wounded. Five dead insurgents left on battlefield. Rumored that Pilar has gone in person to mountains east of San Miguel and has ordered camp to be prepared at Mount Pinto Acle southeast of Biac-na-Bato. Ballance's battalion will not arrive at San Fernando until this afternoon. Carson's battalion sent to Bocaue this morning. Have you received dispatch sent you late last evening?

SCHWAN, *Chief of Staff.*

MALACASAN, *December 5, 1899.*

General LAWTON, *Cabanatuan:*

Ballance's battalion at San Fernando nearly all sick. Will try to move it on to Candaba to-morrow. Arayat can not be relieved until it reaches Candaba. It is reported that Colonel Hood went on to San Miguel, although ordered to return to Baliuag. Carson's squadron Eleventh Cavalry at Santa Maria to-night; proceeds to Angat to-morrow. Reported that Garcia moving men to San Mateo. Reported that insurgents would attack Meycauayan to-night. Train with 100 men just sent up there from Manila. Might be well for you to pass on to San Isidro as soon as possible, that we may communicate readily with you. Our telegrams do not seem to reach you. Acknowledge.

SCHWAN.

CABANATUAN, *December 5, 1899.*

CHIEF OF STAFF, *Palace, Manila:*

Message concerning Hood and Carson received last night. It will be two or three days before column can be concentrated at San Isidro in condition to march on San

Miguel. Cavalry will arrive here to-morrow evening, some troops having marched from Tayug and others from trail about Carranglan. They will be much worn down and require shoeing before starting again on mountain trail. I can place them east of San Miguel, and unless it is otherwise desired will make the first objective point Pinto Acle, where you informed me Pilar now is in person. They will try to follow mountain trail to Montalban unless something develops making change of plans desirable. In meantime troops from south should not be permitted to drive insurgents out of San Miguel or to press or threaten them. Please wire me complete and full instructions so far as it is your intention to do so, to the end that Kobbé and myself may arrange complete understanding before he returns to San Isidro.

LAWTON, *Major-General.*

TAYUG, *December 5, 1899.*

General SCHWAN, *Palace, Manila:*

Information from Batchelor, November 30. Starts north December 1 and would attack, unless surrendered, garrison at Isabela. He will repair telegraph line north from Bayonbong. Intends to enlist auxiliaries and arm them with captured Mausers. Urges that disbursing officer be sent to pay all claims quickly. Wants \$500 sent in small change to make purchases. Deputies from Bagabag in and tender submission. People cheering American flag. Wants vessel sent to mouth of river with stores, clothing, and rations. I am trying to stop him, but he can not be overtaken if he left on the 1st.

WHEATON, *Brigadier-General.*

CABANATUAN, *December 6, 1899.*

CHIEF OF STAFF, *Manila:*

Your message of yesterday, requiring acknowledgment, received noon to-day. Wire down all night. Have you received mine of yesterday, asking for final instructions? Kobbé still here awaiting reply. I should remain here until arrival of cavalry.

LAWTON, *Major-General.*

MANILA, P. I., *December 6, 1899.*

General LAWTON, *Cabanatuan:*

Nothing heard from Hood's column last two days. Supposed he is at San Miguel. Carson's squadron left Santa Maria for Norzagaray early this morning. He has orders to remain in that section. Thirty-fifth will be relieved from Arayat day after to-morrow, 8th instant, and station will then be placed under General MacArthur's orders, as will other stations north not controlled by General Wheaton. Before you leave San Isidro send full information of stations of all troops you leave behind, with organizations and numbers in each station. * * *

SCHWAN, *Chief of Staff.*

MANILA, P. I., *December 6, 1899.*

General LAWTON, *Cabanatuan:*

Colonel Hood did not advance beyond San Ildefonso. He has now returned to Baliuag with command, in accordance with directions issued a few days ago. Had four skirmishes with enemy; one to-day, in which number of insurgents killed. No casualties. He has been ordered to send reconnoitering party to San Rafael to-morrow. With Carson at Angat we can probably keep insurgents in San Miguel country.

SCHWAN, *Chief of Staff.*

MALACANAN, *December 7, 1899.*

General LAWTON, *Cabanatuan:*

Colonel Hood, with about 600 men, now at Baliuag, ordered to report to you for duty, as is also Major Carson, who has 350 men, and who is either at Norzagaray or Angat. Hood telegraphed a communication by way of Malolos, and Carson by Bocaue. It is believed that Pilar's force, augmented by troops of Garcia, numbering

probably 1,000 rifles, are engaged in gathering rice in the San Miguel country, for the purpose of taking it eastward into the mountains, although no positive information can be obtained. He has considerable force at Ildefonso, and did have yesterday at Maasin. To-day Hood sent reconnoissance to San Rafael to return by opposite bank of river to Baliuag; result not reported. This morning Carson reported encountering small force near Norzagaray. It is believed that your cavalry should strike eastward from San Miguel, on road from that point into mountains and clear up country towards San Miguel. Do not take mountain trail until more information obtained regarding enemy's movements. French, from Candaba, reports battalion Twenty-second Infantry will relieve Thirty-fifth at Arayat by 8 o'clock to-morrow morning. You can move your different columns in accordance with your discretion and developments, keeping yourself connected by wire with San Isidro. Any specific information obtained to assist you in carrying out these general instructions will be wired you.

SCHWAN, *Chief of Staff.*

CABANATTAN, *December 8, 1899.*

CHIEF OF STAFF:

Two messages of last evening just received, 10 a. m., 8th. Cavalry will start for position east of San Miguel to-morrow. Kobbé will start from San Isidro to-morrow (Saturday) evening, and will attack San Miguel at daylight Sunday. Hood should move up to Ildefonso at same time. Carson is now occupying as good position as he can get. I will start this p. m. for San Isidro, stopping for the night at Santa Rosa, where I will cut into the line and open communication with you.

LAWTON, *Major-General.*

MANILA, *December 8, 1899.*

GENERAL LAWTON, *Santa Rosa:*

Following telegram received from Norzagaray, signed Carson, is repeated for your information: "Received your instructions in case General Lawton does not give me contrary ones. Made a reconnoissance northeast as far as sulphur baths. At Guitten saw small party of insurgents; killed 1, wounded 1, and took 4 prisoners with arms; cut insurgent wire, apparently from San Mateo to San Miguel de Mayumo."

SCHWAN, *Chief of Staff.*

TAYUG, *December 8, 1899.*

GENERAL SCHWAN, *Manila:*

Following just received from Colonel Kennon: "San Jose, December 8, 1899.—General Wheaton: Lieutenant Munro arrived to-day with General Canon, his adjutant-general, and 5 officers, surrendered at Bayonbong. He gives no news of Batchelor or of Baldwin. The Spanish prisoners report that in the last sixteen days the remaining Spanish prisoners have been concentrated at Taguidin, and that insurgents could be cleared from valley by two battalions."

WHEATON, *Brigadier-General.*

SAN ISIDRO, *December 9, 1899.*

CHIEF OF STAFF, *Manila:*

Kobbé's regiment will not all be assembled until to-morrow. It is his desire not to move until Monday morning, when he will be completely outfitted and ready. Scouts sent out yesterday have not yet returned. Artillery firing is heard in direction of San Miguel. It is not understood. I can not place on any map I have Carson's reported scout north of Angat. If he would report distance and direction it would be better. Would like to have Hood, on reaching Maasin or Ildefonso Sunday, send a battalion east up the Maasin or Upig River on trail toward mountains some 8 or 10 miles, and Carson to send scouting party from Norzagaray across river to northeast along trail, and hold the country until Tuesday evening, unless otherwise directed. By this means small parties of enemy may be intercepted leaving San Miguel.

LAWTON, *Major-General.*

MANILA, December 9, 1899.

General LAWTON, *San Isidro*:

Your instructions for Hood and Carson transmitted to them. Hood caught at Baliuag just as he was about to leave for Maasin.

SCHWAN, *Chief of Staff*.

SANTA ROSA, December 9, 1899.

CHIEF OF STAFF:

I repeat for your information message just received from Kennon, at San Jose. Castner with his scouts led advance over trail from Bayonbong to San Nicolás. He was followed by Batchelor with battalion Twenty-fourth Infantry, who was followed by Baldwin with a battalion Twenty-second Infantry. Two days later, on receipt of information that Bayonbong would surrender to Munro, messenger was sent to recall Baldwin. Castner or Batchelor had no instructions to go farther than Bayonbong or vicinity. His departure for Aparri was as much of a surprise as though he had started for San Francisco. A messenger was sent with all haste with orders to him to remain at Bayonbong. Baldwin did not return, and it is not known whether or not messenger to Batchelor reached him. The enthusiasm and desire on the part of all officers to do something has led many of them to unauthorized conduct which embarrassed me greatly. I have wired Kennon to ascertain definitely situation at Bayonbong and report facts direct to you. He should, I think, report to Wheaton.

"San Jose, December 8, 1899.—Filed 8.20 p. m.—Colonel Edwards, Santa Rosa: Continued reports reached me of force of party in mountain near Bayonbong and also Aguinaldo's treasures. Outrages followed departure of Munro from Dupax. Batchelor has gone. Baldwin was at Bayonbong on 3d; present whereabouts unknown. Aguinaldo reported near Bayambang, disguised as Chinaman. Some force needed at Bayonbong, if Nueva Vizcaya is to be held. Effect of departure of troops bad. Baldwin undoubtedly has received his orders to return by this time. His departure will leave Nueva Vizcaya bare. People reported very friendly, but afraid of armed insurgents. To-morrow morning scouting party leaves here for Bayonbong. Telegraph operator at Carranglan can communicate with one at Bayonbong without repairs. Probably very little work needed to put line in first-class condition from native source. Batchelor reported to have had fight near boundary Nueva Vizcaya and Isabela. These conditions are reported for information of division commander. Unless further instructions are received to-night scouting party will leave at daylight to-morrow."

LAWTON.

TAYUG, December 9, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Native scout came in from Baldwin this morning. Baldwin was at Bayonbong the 5th, and had received no orders. Batchelor had gone north. Letter from Batchelor, dated the 3d, reports action with the insurgents at Cordon, three days' march north of Bayonbong. Insurgents defeated and fled. All natives receive Americans with great rejoicing. Both Baldwin and Batchelor report need everything, especially money, but don't ask for reinforcements. I do not understand why orders sent by Lawton had not reached Baldwin by the 5th. Anything going to Bayonbong should go via San Jose.

WHEATON, *Brigadier-General*.

MANILA, December 10, 1899.

General WHEATON, *Tayug*:

Kennon reports scouting party left for Bayonbong over Carranglan trail yesterday. He wants money. I have asked him if 5,000 could not be sent with 25,000 to be sent to you to San Fabian in couple of days. Could you not transport it together with tools to repair Carranglan trail, to Tayug and thence on to him at San Jose? He thinks Carranglan practicable with little work. A battalion must be maintained at Bayonbong, and with that end in view call for whatever you require. Large naval force reaches Aparri to-day.

SCHWAN, *Chief of Staff*.

TAYUG, *December 10, 1899.*General SCHWAN, *Manila:*

Send money and I will get it through. Twenty-five thousand dollars will be more than enough for possible needs for a month or two. No speedy telegraphic communication with you; my dispatches are held up on the line; presumably for more important business of other commands.

WHEATON, *Brigadier-General.*MANILA, *December 11, 1899.*General LAWTON, *San Isidro:*

Carson scouting yesterday 5 miles northeast of Norzagaray struck detachment of 40 insurgents, killed 2, mortally wounded 3, captured 11, and 21 rifles. Insurgent major killed, lieutenant wounded and captured. Carson had no casualties. He says he thinks there are a number of similar bands north and east of mountains, over which are numerous trails in various directions. Prisoners state they were trying to pass south. Carson has scouting parties well up to mountains.

SCHWAN, *Chief of Staff.*SAN ISIDRO, *December 11, 1899.*CHIEF OF STAFF, *Manila:*

Kobbé, with Thirty-fifth, started at 3.30 this morning. Rocket signals from cavalry east of San Miguel last night assured them in position. Dorrington's scouts, under Major Wheeler, will cover road from San Miguel to Candaba, at edge of swamp, and if Hood and Carson are in position some results may be expected. Wire will follow closely advance. Two native messengers sent by me last night to Sibul ran into General Garcia's command near Santa Lucia. One was captured, other escaped. One escaping had my letter, so that did not fall into Garcia's hands. Native reported about 400 men moving toward San Miguel. Saw Garcia, who is mounted on a mule. This occurred at 2 this morning. I will start to overtake Kobbé in a few minutes. Will have operator with me and will wire when anything occurs.

LAWTON, *Major-General.*SAN MIGUEL, *December 11, 1899.*

CHIEF OF STAFF:

General Kobbé entered town without resistance at noon. Had skirmish short distance before reaching town. No casualties. Several insurgents killed. Colonel Hood, with Sixteenth, arrived at 2 p. m. He encountered enemy in small force, which scattered in small parties to mountains, after arrival of cavalry at Sibul, Sunday. The force here reported to be only ladrones. Firing was heard in the direction of Sibul about 11 this morning. I have sent my cavalry escort to communicate with cavalry and ascertain their exact location and position. Will wire again as soon as I can look about and get the situation. Town full of inhabitants; all glad Americans have come and people continued work in rice fields at approach of troops.

LAWTON, *Major-General.*SAN MIGUEL, *December 11, 1899.*CHIEF OF STAFF, *Manila:*

A number of prominent citizens called soon after my arrival. Very anxious that a garrison should be placed here. Think it an excellent place from which to operate in mountains. They state that Pilar had 600 armed men at this place and 300 or 400 northeast. The command to be left here should be strong enough to permit scouting parties and detached camps to be kept in mountains to be drawn from them. I have with me fifteen days' rations for 2,000 men and reserve ammunition. Will push scouting parties into mountains in directions taken by insurgents. This, however, could be attended to by commanding officer here. Message announcing Carson's success just received.

LAWTON.

SAN MIGUEL, *December 11, 1899.*

CHIEF OF STAFF, *Manila:*

Lieutenant Dudley and escort came in about 5 p. m., from cavalry camp at Buloc, about 6 miles east of here, bringing in report of Hayes, who states that about 10 yesterday morning just before reaching Sibul he was fired on by force about 100 strong, consisting of detachments from Second, Third, and Fifth insurgent infantry, of whom 2 wounded left on field. Casualties: Corporal Declairmount, Troop B, back; Richardson, Troop I, thigh; both serious. Enemy driven through Sibul, killing 1. Captured a number of prisoners, 8 rifles and a lot of supplies and clothing, and box containing correspondence of Pio del Pilar. This morning's march considerably retarded by carrying 2 wounded. Just before arriving at present camp, Buloc, advance fired upon by 100 insurgents, who were quickly driven off, retreating, as a captive stated, towards Baliuag country. I sent ambulance for wounded to-night.

LAWTON, *Major-General.*

MALACASAN, *December 11, 1899.*

General LAWTON, *San Miguel:*

Let troops operate two or three days in Bulacan province, especially in direction of mountains. The Thirty-fifth Infantry, with three troops Fourth Cavalry, will constitute the protecting force of the province. All other troops to be withdrawn. Headquarters and four companies Thirty-fifth Infantry and one troop cavalry will take station at San Miguel to protect by detachments San Ildefonso. Four companies and two troops cavalry will take station at Angat and Norzagaray, three companies Thirty-fifth at Baliuag, and one company Thirty-fifth at Quingua. The entire Sixteenth Infantry will be withdrawn to Manila and the Third Infantry will take line of railroad from Caloocan to Calumpit. Carson will be withdrawn and join regiment (which has now 500 horses) for use south. Direct disposition accordingly. Eight thousand additional troops reached Manila this month; four thousand within next week. Have you artillery with you? If so, should be brought in. The guns with Hood belong at Baliuag and should be left there. In course of two or three days, or whenever you think your services are no longer required at San Miguel, you will return to your headquarters in this city. Colonel Kobbé will accompany you here.

SCHWAN.

SAN JOSE, *December 11, 1899.*

CHIEF OF STAFF, *Manila:*

Scouting party just returned. Major Baldwin's battalion at Carranglan this morning. Reports Carranglan Pass incomparably better than San Nicolás. Nueva Vizcaya quiet enough except for few outlaws he left. Lieutenant Wolfe and 16 men disabled at Bayonbong. Telegraph line has been cut between Bambang and Bayonbong. Captain Batchelor was sent his orders by courier not to advance beyond Bayonbong. Major Baldwin believes they must have been received. Batchelor reported to have had fight at Diadi on December 4. Casualties enemy: Killed, 1; mortally wounded, 1.

KENNON, *Colonel.*

MANILA, *December 11, 1899.*

General WHEATON, *Tayug:*

Following telegram just sent to Colonel Kennon, San Jose, is repeated for your information: "Baldwin's battalion will remain at Carranglan for the present. As soon as practicable let him work back two of his companies to Bayonbong. Send courier at once to convey to him above instructions. Arrangements will be made for supplying force at Bayonbong." Acknowledge receipt.

SCHWAN, *Chief of Staff.*

SAN MIGUEL, *December 12, 1899.*

CHIEF OF STAFF, *Manila:*

Message concerning disposition of command received. Hayes reports force of about 200 at Baling Cupang on Maloong River, and the cavalry have gone after them. Colonel Hood has gone to investigate Biac-na-bato. I find here that Pinto Acle is name given range of mountains or high ridges running from Pefiaranda to San Mateo.

Four guns Taylor's battery with me; two guns left at San Isidro. Shall I bring latter away? Not needed there. I have good wagon and cart train, well organized. Kobbé organizing municipal government to-day. Enemy doubtless trying to work south. They can be followed over the mountains to head of San Mateo River. It is my opinion that the trails they follow lead up to the river which flows through this place, across the divide at what is known as Biac-na-bato, into the head waters San Mateo River.

LAWTON, *Major-General.*

MANILA, P. I., December 12, 1899.

General LAWTON, *San Miguel:*

Reconnoissance from two directions from north Manila line. One from pumping station, mounted, moving now and will concentrate at Novaliches to-night. These troops will sweep country from San Mateo west to near Caloocan and ascertain what is there. About 500 insurgents believed to be in that section. Not thought advisable to follow enemy down San Mateo River, should he take that route, but we can operate against him to the northeast of San Mateo, if he concentrates there, better from this locality. Leave the two guns Taylor's battery at San Isidro for the present. You will probably receive valuable information as the result of your present operations.

SCHWAN, *Chief of Staff.*

MANILA, P. I., December 13, 1899.

General MACARTHUR, *Bautista:*

Pilar and Garcia driven into mountains eastern Bulacan. That province will be policed by three troops Fourth Cavalry, Thirty-fifth Infantry, and the artillery which has hitherto been maintained at Baliuag. San Miguel, Baliuag, Arayat, Norzagaray, and Quingua will be maintained as stations. All troops except those above mentioned will be withdrawn. The Third Infantry will replace Sixteenth on railroad; latter to be withdrawn for operations elsewhere. General Lawton, still operating in mountains, has been directed to direct establishment of stations in Bulacan. He, with General Kobbé, will return to Manila very soon, and you will supervise matters in that province. Send down on railroad portion of Third Infantry taken north as soon as convenient. More specific information will be given you later. Young reports the killing of General Gregorio del Pilar, severe wounding of Tinio, and surrender of Concepcion. About 3,000 Spanish prisoners released in northwestern Luzon. Navy will probably take Aparri and succor Batchelor, who, with three companies Twenty-fourth and Castner's scouts, proceeded north from Bayombong without instructions. If natives assist him he will get through; otherwise not. Active operations in southern Luzon will be inaugurated at once.

SCHWAN, *Chief of Staff.*

BAUTISTA, December 13, 1899.

General SCHWAN, *Chief of Staff, Palace, Manila:*

Message received containing information to the effect that Bulacan province will be policed by certain troops which will be stationed by General Lawton; that General Lawton and General Kobbé will return to Manila very soon, and thereafter the province of Bulacan to be under my supervision, in which connection I am directed to send down on railroad as soon as convenient portion of Third Infantry taken north. I understand from the tenor of the foregoing message that no action will be required on my part until I receive the specific information which you say will be given to me later. A large part of the battalion of the Third Infantry now stationed at Guagua, Bacolor, and Santa Rita is with General Grant in the mountains of Bataan and Zambales, and can not be very well reached for a week or ten days.

MACARTHUR.

MANILA, December 13, 1899.

General MACARTHUR, *Bautista:*

Your understanding regarding the placing on railroad of portion of Third Infantry with Grant is correct. Word has been received that insurgent governor surrendered entire province of Cagayan, including arms and other munitions of war, to naval force under Captain McCalla, which landed at Aparri some days ago. Also that Batchelor's battalion is safe about 40 miles north of and marching toward Aparri.

SCHWAN, *Chief of Staff.*

SAN MIGUEL, *December 13, 1899.*

CHIEF OF STAFF:

I have wired you to-day report from Colonel Hayes, commanding Fourth Cavalry, announcing the capture and occupation of the famous insurgent stronghold Biac-na-bato. From information furnished by residents of this city it is learned that "Biac-na-bato," or "split rock," as the name indicates, is a gigantic cleft in the range, forming a natural fortification, located south Mount Madlon, Mount Madio being higher and to the rear or east. There are no inhabitants except garrison. Country rocky; no crops; plenty of wood and water. Was successfully held January 8, 1897, by 16 insurgents against 900 Spaniards. Again I feel it my duty to invite the attention of the general commanding to the gallant and effective work of this efficient command. I heartily concur with Colonel Hayes in his commendation of Lieutenant Arnold, and I also wish again to especially commend Colonel Hayes as worthy of special and substantial consideration for faithful and gallant service in the presence of the enemy under unusual, and trying, and difficult conditions. I have directed Biac-na-bato to be held for the time being until the surrounding country can be examined.

LAWTON, *Major-General.*SAN MIGUEL, *December 13, 1899.*

CHIEF OF STAFF:

Following just received: "Headquarters Fourth Cavalry, Biac-na-bato, December 12, 1899.—Adjutant-General, San Miguel. Sir: I have the honor to report that I arrived at this point to-day at noon, and on my approach was fired upon by the enemy from the precipitous height of the opposite side of the river. It was impracticable to cross the latter, and the advance guard under Lieutenant Arnold, Fourth Cavalry, dismounted, crossed the river, and drove the enemy from the commanding position on the heights that had been reported inaccessible. Lieutenant Arnold discovered in this natural stronghold a storehouse containing the following property: Ten rifles, 30,000 pounds rice, \$600 worth uniform cloth and clothing, a large and various collection of tools and material for the manufacture of explosives, medical supplies, etc. Maj. Charles Morton, Fourth Cavalry, with a force of 70 officers and men, dismounted, will start at daylight to-morrow morning to reconnoiter the stronghold beyond the point reached by Lieutenant Arnold. The trail leading into it is impracticable for all kinds of troops, except foot troops, and is extremely difficult for foot soldiers. Lieutenant Arnold deserves credit for the energy and persistency displayed in overcoming all the obstacles encountered. Apparently the enemy has been collecting supplies in this naturally strong defensive position for several months. Very respectfully, E. M. Hayes, Colonel Fourth Cavalry."

LAWTON, *Major-General.*MANILA, *December 13, 1899.*General WHEATON, *Tayug:*

Entire province of Cagayan surrendered by insurgent authorities to Captain McCalla, commanding naval force recently landed at Aparri, who also received from them arms and other munitions of war. Captain Batchelor's battalion is reported as in good condition and to be making good progress in its march toward, and to be not very far from, Aparri.

SCHWAN, *Chief of Staff.*PUNCAN (via SAN JOSE), *December 13, 1899.*General SCHWAN, *Chief of Staff:*

Complying with orders received here last night, I will return to-day to Carranglan and thence proceed with two companies to Bayonbong. I arrived at Bayonbong on the 2d of December and was received by the governor of the province with great cordiality. He was delighted that American troops had arrived. The Spanish priest left after my arrival, and the Filipino priest asked concerning religious affairs. I informed him to resume throughout the province religious services and that he would be protected and respected in all religious matters. He and the governor asked permission to have church on the morrow for the purpose of giving thanks to God for the surrender of the province without bloodshed. I informed him that permission

was not necessary to have church, and that I and all my officers would attend mass at the hour set by him, which we did, thus showing him and the people, as I told them, that we were a Christian people and respected and protected everyone's religion. After the services the city band escorted us to the government buildings, where the governor led in giving "Viva Americanos," and in a neat speech told me of his pleasure in getting rid of the insurgents and his desire for peace and for the Government of the United States to own the islands. I presented the governor with a small American flag donated by one of my officers. In the evening Governor Ramon Ariola gave a banquet at his home to myself and all my officers, at which all his officials were present, and the American flag was displayed from a vase of flowers. All the officials of Nueva Vizcaya province are honestly and sincerely desirous of peace and are thoroughly glad to come under American rule. The present governor was forced to take the position by the insurgents, but still is an able man and can be used to great advantage in behalf of our Government. He has rendered gladly and zealously all possible assistance to our troops. He says the people wish for the Americans, for the insurgents robbed them of everything, forced them to contribute, killed some of their men to obtain money, and in some instances raped their women. He says the province of Isabela is very anxious to become American, and that no trouble will be experienced there, except from roving bands. The Igorrotes at Bagbag have been acting ugly. He further says the province of Cagayan is insurgent, but will be American when insurgents are driven out; that there are something like a thousand insurgents in that province under General Tirona, and troops will meet with resistance. There are now, to the best of my information, many small bands of insurgents in the mountains. In my opinion a full battalion is the smallest force advisable at Bayombong to operate by scouting through the various towns. The people have never heard of the President's proclamation and know nothing about the purpose of the United States. I would recommend that copies be sent for general distribution. The Spanish and insurgents have compelled people to furnish supplies, promising to pay, but not doing so. I would recommend that troops be supplied with money, whereby confidence and faith can be established among the people, thus inspiring them with respect for the Americans.

BALDWIN,
Major, Twenty-second Infantry.

SAN MIGUEL, *December 14, 1899.*

CHIEF OF STAFF:

Lieutenant Munro, with insurgent General Canon and 10 of his officers, 3 released American soldiers, 2 of Gilmore's men, and 2 citizens came in this afternoon. I find that they have written terms of surrender in Spanish only which will be presented in Manila on arrival.

LAWTON, *Major-General.*

MANILA, P. I., *December 14, 1899.*

General LAWTON, *Baliuag:*

Send all division transportation in Bulacan which can be spared to Malolos and Bigaa to receive forage and supplies for the troops to be left in Bulacan. San Miguel will be supplied from Malolos; Arayat and Norzagaray from Bigaa. Such of this transportation as is not needed in Bulacan after troops supplied can be withdrawn. Probably not needed in south, as we are daily expecting a large number of mules from the United States, for which wagon transportation is already here.

SCHWAN, *Chief of Staff.*

SAN MIGUEL, *December 14, 1899.*

CHIEF OF STAFF, *Palace:*

No organized insurgents can now be found or heard of in this vicinity. Troops have returned and their distribution as ordered has commenced. Cavalry will rest a day or two before starting.

LAWTON, *Major-General.*

SAN MIGUEL, *December 14, 1899.*

General SCHWAN, *Chief of Staff, Palace, Manila:*

Colonel Hayes and cavalry arrived here at 10.30 this morning. He reports that he thoroughly scouted the country in all directions. He found and destroyed the insurgent telegraph line from this place to Biac-na-bato. Lieutenant Sievert, in command of one of these reconnaissance parties, found and destroyed the camps evidently referred to in your message as being established by Pilar at Pinto Acle. The houses or barracks with new board floors were apparently constructed within last month or six weeks.

LAWTON, *Major-General.*

SAN MIGUEL, *December 14, 1899.*

General SCHWAN, *Chief of Staff, Palace:*

Following report from Hood, who has just arrived, repeated: "Adjutant-General First Division: Arrived at Biac-na-bato with my command at 10 o'clock yesterday morning. After conferring with Colonel Hayes concluded to organize six strong reconnoitering parties, absorbing about all the command, giving each a proportional part of the Macabebe scouts as guides and trailers to penetrate and explore the rock-faced ridges for any sign of the enemy in the vicinity. These parties were out for several hours, and it is believed followed all existing trails within the extreme radius of their operations. After much hard work the crests of the ridges were reached, so that a view of the country leading to the Mariquina Valley could be plainly seen. No enemy found in sight anywhere. This, however, may be due to a great extent to the fact that the Fourth Cavalry had preceded us there by not far from twenty-two hours. (Signed) Hood."

LAWTON, *Major-General.*

BALIUAG, *December 15, 1899.*

CHIEF OF STAFF:

My headquarters with escort I Troop, Fourth Cavalry, mounted, and Taylor's Battery, with C Troop, Fourth Cavalry, dismounted, also Oakes's Engineer Corps, will arrive at Malolos at 10 a. m. to-morrow. Hood tells me that he has wired you that he starts for railroad at 6.30 a. m. to-morrow. He has conferred with Page, who will relieve Sixteenth on railroad upon subsequent notification.

LAWTON, *Major-General.*

HEADQUARTERS FIRST DIVISION,
IN THE FIELD, BALIUAG, *December 15, 1899.*

CHIEF OF STAFF, *Manila:*

Following just received: "San Miguel, December 15, 1899.—Major Laws sent in 2 Filipinos, prisoners, captured by him near Medlum Cave. One is a lieutenant and quartermaster. Reports capture of small quantity powder and bullets, spare parts of rifles, and 25 coils of telegraph wire. Plummer, Lieutenant-Colonel." This is a party sent in search of General Pio del Pilar. The cave referred to is beyond Sibul, to the southwest.

LAWTON, *Major-General.*

TAYUG, *December 15, 1899.*

General SCHWAN, *Manila:*

Captain Fowler returned the 13th instant to Pozorrubio from six days' scouting in the mountains north. Found no insurgents. Destroyed printing materials found which I have learned had been left by Paterno, who was to send for them from Bangued.

WHEATON, *Brigadier-General.*

MANILA, *December 16, 1899.*

General LAWTON, *Malolos:*

Train will be sent early this morning to bring your headquarters and escort, Taylor's battery, C Troop, Fourth Cavalry, dismounted, and members Engineer Corps to this city. Telegraph Hood and Page that they will arrange to relieve Sixteenth

Infantry from line of railroad; that the three companies volunteers will remain on the railroad until the three companies Third Infantry can relieve them. Sixteenth Infantry can be relieved by battalions, sent into city, and upon arrival will take steamer for Aparri.

SCHWAN, *Chief of Staff.*

The foregoing telegrams, selected from a great number sent to and received from the commands of Generals Lawton and Wheaton, indicate with a fair degree of accuracy the operations of their troops on the San Isidro, Cabanatuan, San Jose, Tayug, and San Fabian line during the period covered by their dates. General Lawton was in person at Tayug, where he did not have the advantage of complete telegraphic communication. He was impressed with the belief that Aguinaldo would succeed in moving eastward from the Benguet province of northwestern Luzon to Bayonbong, his recently designated capital, and he proposed to attack him by the very difficult Carranglan and Tayug trails, while General Young should pursue him from the westward. With this end in view he was endeavoring to supply General Young with the needed troops and supplies while assembling small columns to proceed over the above-named mountain routes. The experience of the Fourth Cavalry detachments in their operations north of Carranglan and the direction of General Young's pursuit of Aguinaldo indicated that the insurgents could not move as General Lawton anticipated, and he was so informed as soon as he could be communicated with.

In the meantime Castner's Tagalo scouts and Batchelor's battalion of the Twenty-fourth Infantry, followed by Baldwin's battalion of the Twenty-second, had started from Tayug for Bayonbong with instructions to proceed to that city. Having reached it after the surrender of the insurgent military governor of the province in which Bayonbong is situated to Lieutenant Munro of the Fourth Cavalry, who had marched by the Carranglan trail, Captain Batchelor conceived the idea of proceeding northward by the Magat and Cagayan rivers to Aparri, which he proceeded to do without any definite knowledge of the country over which he intended to pass or the force with which he might be obliged to contend. Every effort possible was made to arrest him, but without avail. Taking Castner's scouts and his battalion of the Twenty-fourth Infantry, he proceeded on this perilous journey, short of rations, clothing, and ammunition, after having sent back a request to have the Navy supply him at the head waters of launch navigation on the Cagayan River. This movement necessitated the holding at Bayonbong of the battalion of the Twenty-second Infantry, which was needed at other points, and gave great concern for the safety of Batchelor's men, who could hardly escape destruction if the insurgents of the Cagayan Valley should press hostilities. The only hope of their arrival at Aparri, except as prisoners, lay in the belief, as has been stated in the former portions of this report, that General Tirona, commanding the insurgent forces stationed in the valley, would surrender upon invitation. Admiral Watson, who was requested to send a naval force to Aparri, the headquarters of Tirona, when information of Batchelor's movements was received responded with alacrity. He dispatched the naval vessels *Newark* and *Helena*, Captain McCalla commanding, as soon as supplies for Batchelor's command could be placed

on board. Captain McCalla proceeded with great tact, and received the surrender of Tirona, who turned over to him all of his artillery and more than 900 stand of arms of improved patterns.

Captain Batchelor reached the town of Ilagan, Isabela province, about December 8, having encountered some opposition on his march, especially at Naguilan, where he was obliged to cross his troops over the river and attack an insurgent force which had intrenched itself there to bar his progress. He quickly routed the enemy, who left 4 dead and 4 mortally wounded in the trenches. His loss was 1 man drowned and 4 wounded. His men suffered from lack of sufficient food and clothing, but were greatly assisted by the inhabitants of the towns and barrios through which they passed. He continued to descend the river, and received the supplies sent for him by the Navy at the head waters of river navigation. Shortly thereafter orders were issued directing the return of his battalion to the San Jose country and the headquarters of the regiment, proceeding by boat to Dagupan. Castner's scouts were ordered to Vigan to recuperate and increase their numerical strength.

This march from Bayonbong to Aparri will remain memorable on account of the celerity of its execution, the difficulties encountered, and the discomforts suffered by the troops. It proved beneficial to our interests, as it gave us some practical knowledge of the character of that portion of Luzon and the condition of the inhabitants. It also informed the inhabitants of our pacific intentions, relieved them from Tagalo rule from which they had suffered, and prepared them to receive kindly the detachments of troops which subsequently passed into that section to establish permanent stations. On his descent of the rivers, Captain Batchelor had received the surrender of the country from the civil governor of one of the provinces, while General Tirona, the insurgent military governor of the entire valley, had made surrender to the commanding officer of the naval force present, who, for the great assistance he had rendered, had appointed him civil governor subject to the approval of the military governor of the islands. The appointment was not confirmed, as the commanding officer of the United States troops which were sent soon thereafter to take possession of the territory was called upon to exercise such civil functions of government as conditions demanded.

General Lawton, who while at Tayug had been directed to effect the release of the Spanish and American prisoners held by the insurgents in the northwestern Luzon provinces, had determined to proceed northward and join his advance which General Young was conducting, as soon as he could make the necessary combinations of troops and provide for their subsistence. All insurgent resistance on the Tayug line, excepting that northeast of Carranglan, and northeast of Cabanatuan on the Bongabong road, had practically ceased. The disorganized troops of the enemy to the westward of Carranglan which had been employed in the north, were endeavoring to pass in small detachments southward to their homes in the central portion of the island, with the exception of the small bodies which General Young was severely handling and driving northward. Nearly all of that portion of Aguinaldo's army, which had formerly occupied the line of the Manila and Dagupan railway and which still retained organization, was being pressed continually by General MacArthur back into the mountains of Zambales and Bataan. It had already lost by capture its artillery, its supplies,

a large number of its rifles and much of its ammunition, and could be taken care of by General MacArthur's troops. But the section of Luzon east of Caloocan, Malolos, Baliuag and the Rio Grande de Pampanga, extending southward to the north Manila line and eastward through the Morong province, had not been traversed by our troops since the preceding June. It contained some 3,000 well-armed and active insurgents who were concentrated mostly at San Miguel de Mayumo in Bulacan and along the Mariquina River a few miles northeast of Manila, while to the south of the city insurgents had again become very aggressive. They had been held in check by the troops at hand during the northern operations, but it was now possible to turn upon them and disperse all north of Manila with a portion of the force under General Lawton's immediate supervision, and while this work was being executed it was practicable to place in condition for the contemplated campaign in the provinces of southern Luzon the regiments arriving and soon to arrive from San Francisco.

In the province of Bulacan 1,000 or more insurgents, commanded by General Pio del Pilar with headquarters at San Miguel, had made threatening demonstrations against Baliuag, where we had 400 men, and Pilar endeavored to destroy the railroad at two or three points between Caloocan and Malolos. The commanding officer at Baliuag had reported this force to number 4,000. Colonel Hood of the Sixteenth Infantry, whose regiment was guarding the line of railway from Caloocan to Apalit, was directed to withdraw therefrom 500 men (the line being temporarily strengthened by detachments from Manila) and proceed with them to Baliuag, where, being reenforced, he was ordered to make a demonstration to the north in the direction of San Miguel. Major Carson of the Eleventh Cavalry, which regiment was on duty at the pumping station of the Manila waterworks, was ordered to withdraw therefrom a squadron to number at least 400 and proceed with it to Bigaa, a railway point south of Malolos, and thence to march upon Norzagaray and Angat.

In the meantime a separate command was about to be given to General Young, covering the northwestern Luzon provinces in which he was operating. General Wheaton, still at San Fabian, was ordered to relieve General Lawton from the command of the Tayug line. The latter was directed to take such troops as could be spared with safety from the eastern portion of that line, consisting of signal and engineer detachments, a light battery, several troops of the Fourth Cavalry, and the entire Thirty-fifth Infantry, concentrate them in the vicinity of San Isidro, and move down on the San Miguel country, his cavalry scouting to the eastward. Simultaneously Colonel Hood was to move northward from Baliuag, and Major Carson was ordered to retain possession of the Angat and Norzagaray roads for the purpose of intercepting any portion of the enemy who might endeavor to pass in those directions. These movements were well-timed and excellently executed, as fully appears from the preceding telegraphic dispatches. General Lawton and staff arrived in Manila on December 16.

We now propose to consider the operations of the troops of General Young, who, attended by 80 selected men of the Third Cavalry under Captain Chase, and the Macabebe scouts, passed north from Pozorrubio on November 18 in pursuit of Aguinaldo and his escort. He had by his constant scouting worn out the major part of his cavalry and infantry. The greater portion of the Third Cavalry and Ballance's battalion

of the Twenty-second Infantry had been ordered for recuperation to the western coast at San Fabian, to which supplies had been sent from Manila. General Young with his small force passed through Rosario, thence by northwestern route to Aringay on the coast road, whence on November 19 he sent to General Lawton a telegram, set out on a former page of this report, wherein he made an urgent appeal for troops to enable him to continue his pursuit. He marched on to San Fernando de la Union, where on November 21 he awaited supplies which were forwarded on that day from San Fabian by the naval gunboat *Samar*. On November 23, having reached Namacpacan, situated on the coast road north of San Fernando, he communicated to Lieutenant-Colonel Wilder, whom he had left at the last point, the following:

Information positively given that Aguinaldo has a force of 1,700 men with him in Abra Province made up of the straggling bands which have followed him through the mountains and avoided us during the night. I wish you to join me here with all available force, leaving the sick under the charge of an officer to hold San Fernando and to care for the horses. I also wish you to send this by native courier, or by boat if you can catch one, to General Wheaton at San Fabian. Send additional cavalry, as it may be able to get here in the shortest time. Infantry can be landed by boat at Sarigayas, 4 miles south of this point. If the mountain battery is within reach, the cannoniers should be mounted and two pieces brought up. The road is excellent over the entire distance. I am of opinion that Aguinaldo's force is overestimated, but do not want to sacrifice the lives of my men at the last moment if it can be avoided. If this note reaches General Wheaton, I earnestly request any assistance he may be able to render me; also that this dispatch be rushed forward to General Lawton. We were received here with unbounded enthusiasm. All the principal men, accompanied by about 500 people, turned out to receive us in the plaza. They sent a delegation with a band to meet us at the entrance of the town and cheered us with "Viva los Americanos," grasping our hands in welcome. They heard of our coming (although we marched 20 miles to-day) and sent out to gather palay for our animals and beef cattle for our men.

When this information was received at Manila, General Wheaton was directed to dispatch to General Young's assistance a portion of his own command (a battalion of the Thirty-third Infantry—those of General Lawton which had proceeded to San Fabian not being yet in condition to march), to be followed by troops of the Third Cavalry as soon as they could be refitted. On November 25 he was directed to forward by coast road two battalions of the Thirty-third Infantry under Colonel Hare to Vigan, sending the vessel *Castellano* up the coast with rations, and instructing her to touch at San Fernando to supply the troops there and those passing northward. On November 26, Wheaton reported that Aguinaldo, three days previous to that date, was in the vicinity of Trinidad, and that he dispatched from there a messenger to Mangatarem to inform one of his officers that if unable to cross to Bayonhong he would continue his journey northward to Bangued. On the 27th he telegraphed that he would send one company of Hare's regiment to Vigan on the gunboat *Callao*, to hold that place until the arrival of General Young or Colonel Hare, to be followed by another company of that regiment on the coasting vessel *Castellano*. He further telegraphed on the same day in answer to inquiries, that two battalions of the Thirty-third Infantry under Colonel Hare took up its march for Vigan that morning, one company proceeding to that point by gunboat which would reach there the following day; that the first battalion of the Thirty-third Infantry (Major March commanding) was at San Fernando on the 26th, about to go forward to Namacpacan, where General Young was awaiting reinforcements. He also gave the information that the U. S. gunboat *Callao* had just arrived, reporting that the

Oregon had landed a battalion of marines at Vigan on the previous day, that the Spanish and American prisoners were at Bangued, and that General Young having returned to Namacpacan from the mountains to the eastward was about to move north. On November 28 he telegraphed as follows:

Eleven companies Thirty-third Infantry and my scouts are marching to the support of General Young. He has with him Macabebe scouts and three troops of cavalry. One troop of cavalry and battalion of the Thirty-fourth Infantry are between here and Santo Tomás marching to join him. Ten hundred and twenty-three men—cavalry and infantry—of General Lawton's division are here en route to join. They are waiting to shoe horses and get shoes for men.

The general was directed to hold at San Fabian these 1,023 men awaiting subsequent instructions. On November 30 he was directed to forward two additional troops of cavalry to San Fernando de la Union to relieve the two troops already there, which were directed to join the troops marching northward.

At this time it was not supposed that General Young would meet with very determined opposition, as the Tagalos at the north were deserting and passing southward in small detachments. It was believed also that the mass of the northern Luzon population was friendly and would assist our progress. For many months reports had been received in Manila expressing the desire of this people to have the Tagalos driven from their midst and to receive and be protected by our troops. The hearty welcome which the inhabitants of the cities and barrios of that section accorded our soldiers, both on the west coast of the island and in the Cagayan Valley, indicated the correctness of these reports, and little concern was felt for the safety of the small force which General Young had taken into the mountains.

The Third Cavalry, Thirty-third Infantry, and native scouts serving with us were considered to have sufficient numerical strength to protect the people dwelling along the west coast of the island north of San Fabian or Santo Tomás, and at the same time pursue and destroy the guard which accompanied Aguinaldo. When, therefore, it was ascertained that General Wheaton had sent north a battalion of the Thirty-fourth Infantry under Lieutenant-Colonel Howze, which had marched from Aliaga to San Fabian by Victoria, Rosales, and Dagupan, and which it was desired to return to its regimental headquarters at Cabanatuan in the Nueva Ecija Province, he was directed to withdraw it and send it east over the Tayug line. This battalion, however, marched to join General Young with such rapidity that it was impossible to arrest it, and it was fortunate that such proved to be the case, as in the subsequent forced release of the Spanish prisoners and in the establishment of pacific conditions in the province of Ilocos Norte its services proved extremely valuable. Aguinaldo was pushed northeastward into the province of Bontoc. His troops, which were guarding his large number of prisoners in the vicinity of Vigan, retired, with those of them who were not successful in escaping, into the mountains to the eastward, and between those troops and their chief communication was possible by the Abra River trail.

Aguinaldo had been accompanied by his appointed head of the Philippine clergy, who, in so far as the insurgents were concerned, had succeeded to the ecclesiastical powers lately exercised over them by the archbishop of Manila. Summoned by that prelate to submit himself to ecclesiastical jurisdiction, he declined, prepared and pub-

lished articles severely criticising the Spanish representatives of the Roman Catholic Church and abusive of Americans, thus establishing a considerable influence over that portion of the population which Aguinaldo dominated. In one of his manifestoes "dedicated to the archbishop, Señor Nozaleda, and the friars," issued in March, 1899, he displays his mental characteristics and talent at invective. It is as follows:

There are events in the lives of men which are not easy to forget or, what is better, which can not be forgotten. Those which have taken place since the beginning of the Filipino revolution have left a deep impression upon our hearts and in addition form an epoch. The memory of them will always be engraved upon our minds.

Among these memories there is one which will always be a black blot upon our history. It is the memory of the enlightened corporations which came here to the misfortune of our most beautiful soil, not to teach us divine doctrine, but to exploit us and deprive us of our Catholic faith. The members of the above-mentioned corporations (as though God himself had interfered in events so that we should recognize them for what they are and that our eyes should be opened) not only have been wanting in all shame as to abjure their nation, but have also trampled under foot the sacred religion which they professed—a religion which served them as a shield against the consequences of their insolence. They went so far as to lick up, if you will permit the expression, the filth which they had vomited upon those who were then their bitterest enemies and who are now their dearest friends.

Let me quote the very words of their most prominent champion, the most fervent advocate of the said corporations. Less than ten months ago, on the 6th of May in the year which is just closed, after bitterly lamenting the destruction which the North American squadron had consummated in the beautiful bay of Manila by the complete annihilation of the squadron of his country, this man said to us with tears in his eyes: "You must not remain ignorant of him (referring to the North Americans) who now appears before us with so much pride and who, trampling down all right, desires to impose his rule upon us. It is the foreigner who wants to subject us to his cruel yoke. It is the heretic (note these words) who desires to destroy our religion and tear us from the bosom of the Catholic Church. It is the insatiable merchant who, in the midst of the ruin of Spain and her possessions, desires to swell his fortune."

Let us stop for a moment, my dear Filipino brothers, and reflect upon the energetic phrases which I have just copied. The archbishop, Señor Nozaleda, says that the North American is a heretic, that he desires to destroy our religion and tear us from the maternal bosom of the Catholic Church. That is well said, my dear lord, and so far you must be deemed a true prince of the Catholic Church and deserve an eternal crown of glory. Well, now, let us consider your conduct afterwards, so different from your expressed convictions. Indeed, you seem to have two sets of principles which are diametrically opposed, since to-day we see you professing intimate friendship with the heretic who formerly you hated unto death. When we see this, we pause and we do so with reason, and in the midst of our stupor we can not help crying out that Señor Nozaleda must have intended to deceive us with a false proclamation, since now we see and are thoroughly convinced that he has allied himself with the traitor Otis and the inhuman Dewey, giving them counsel and instruction and ordering his brothers, the friars, to pass praying in and through the walled city animating the enemies of our religion and country and praying to the God of battles in their behalf. It is evident that Señor Nozaleda and the friars have forgotten the words of the Holy Scripture, "Cum sancto sanctus eris, et cum perverso perverteris." Ah! with the good man you do good things and with the evil man you work evil things. Also the Spanish refrain, "Tell me with whom you go and I will tell you what you are."

But let us go on considering, word by word, his celebrated proclamation of the 6th of May of the year just passed. Below the words above quoted he said: "Poor Spain, if the invader succeeds in his designs! Poor Filipinos, the day upon which the North American establishes a stable government! Poor natives, subjugated by a people who have not the Catholic faith of Spain, nor the paternal anxiety for the good of the country, nor the high sense of honor, nor the community of interests, nor the history mingled with yours for now more than three hundred years, nor the mingled blood which flows through the veins of many of you and which on a hundred glorious days has been poured out for the common defense! Brothers bound together by a common bond; sons of the metropolis and of the colonies! Very soon you will see an impassable abyss between you and your proud friends. You will

have no offices nor employments, nor will you share at all in the government and the administration of the cities. You will form a class apart, you will be held vile as Pariahs, you will be exploited like convicts sent to work in a new country; you will be reduced to the condition of bondsmen and even beasts and machines; fed a handful of rice or corn which your lord will throw in your face as a daily ration so that you may not be utterly deprived of the product of your sweat, while you can enjoy the pleasure of seeing him revel in the fruits and treasures of an estate which was yours and now is his! Ah, and that is not the worst. Soon you will see your temples ruined, or converted into Protestant chapels where the God of the Eucharist (oh, what a cruel misfortune) will not be enthroned, and where the image of the Virgin Mary, our most sweet and gentle mother, will not lean in kindly fashion over you. The cross will disappear from your cemeteries, the crucifix from your schools, and from your churches the ministers of the true God who made you Christians when they baptized you, who have so many times absolved you from your sins, who united you in holy matrimony, who will be present at your last hour to console and administer the last rites of the church, and who, after your death, will apply for the good of your soul the prayers of the holy church. You, with your heroic faith and valor may go on keeping your hearts as Catholic as before, even more steadfast than before, who knows? But what will happen to your dear children, your darling sons, especially if their fathers fail them, in the midst of a Protestant nation, with Protestant legislation, rites, teachings, and habits, and a free exhibition and propaganda of every vice and error? Ah, what can one expect but that at the end of half a century there will be neither Christian practice nor Christian belief anywhere in the whole country, nor any one who makes upon his forehead the saving sign of the cross. Poor Filipinos, lost in this life and lost in the eternal one!

But now, when Señor Nozaleda, in order to retain his old post, has changed completely, will he, when he sees the North American flag wave in these latitudes, and when we appear to be subjugated by a race without the Catholic faith or ordinary feeling, without nobility, without humanity, as he said in his pastoral, will his excellency throw palms before them, will he sing halleluiahs and consider himself as fortunate as the executioners who crucified our Lord Jesus Christ? How much he has changed in the short space of ten months! "Quantum utatus ab illo!"

If his excellency should see this people which has hardly freed itself from its Spanish slavery crushed down again by a selfish and unfeeling nation, would he be most content? It may be so, since nothing else can explain his actual conduct and the fact that he has appealed to the Holy Father, deceiving him, and so arranging matters that the representatives of Rome in Washington supported the annexation of this pearl of the Orient.

But what is most sad, my dear readers, is that if his excellency should see our temples ruined or converted into Protestant chapels, so that the image of our loving Mother would be no longer venerated upon our altars, if he should see the sign of our redemption no longer placed in the middle of the atriums of our churches and cemeteries, and, in short, see the ministers of the altar scorned, put in ridicule, and wickedly harassed by this mob of bandits, his most dear friends, would, perchance, his heart swell with indescribable pleasure and joy because he saw his desire of remaining in the country accomplished? Most dear Señor Nozaleda, you have perhaps thought that you would be praised all over the world for your infamous treason against God, against your country, against your dear sons, against your sacred office, against your holy mission, and against Catholic humanity. Perhaps you believe your famous proclamation to the faithful people, or, as some call it, your pastoral letter, of the 6th of May, 1898, has been forgotten and has not been translated into all the dialects of our country.

As it happens there were many printed. We are "chewing the cud" continually, so to speak, upon your energetic and inspiring phrases. We are still carrying out your ideas incarnated in them, and considering the want of rectitude in your conduct, we still must execrate your actual attitude.

From individuals of the corporations, at the head of which is Señor Nozaleda, we were taught that the Señor was a quick and ready man, greatly learned in canon law, a theologian, and a diplomat. We believed it, so to speak, absolutely. But now we are completely undeceived, and we are able to state, without fear of error, that he may be all that and still possess the qualities already mentioned. We would like to cite many things which we know in order to prove what we say, but the respect due to his dignity prevents us.

And in spite of his inexcusable conduct and that of the Americanized friars, we do not hate them. No; we profess a Christian love for them, and in proof thereof we warn his excellency concerning something, which is, that the immense responsibility which he assumed from the beginning of the revolution has not been forgotten,

nor, furthermore, the assassination of so many innocent people, ordered by Polavieja, Echague, and others, thanks to the suggestions and advice of his excellency.

And what are we to say about the friars? We shall not speak of the infamy, the torture, and the deaths, etc., which by the use of their money they have perpetrated in these islands. We shall pass over, also, their intrigues and discovered calumnies, of which the very Prince of Darkness himself would have been ashamed. But we are not able to pass in silence the actual condition of apostasy of the archbishop of the Catholic religion, caused solely by his desire to remain in the country.

The passage of the friars through the Philippines will be ever memorable and execrated in "secula seculorum."

Although Señor Nozaleda and the friars should pour out all their millions to atone for the injuries and outrages which they have caused, they would not be able to still the cries of their consciences unless they are hardened—"et cauteriata," as the moralists say. And what can I say of the excommunications, irregularities, and canonical punishments which accord with such audacious, barbarous, cruel, and indescribable conduct? Ah! most reverend fathers, do not forget what I have referred to and described in a few words; repent with all your heart, ask pardon and mercy of the God of goodness, ask it of Him and undeceive the Holy Father, so that he may absolve you from all the canonical punishments which you have incurred; shut yourselves up in your convents to undergo there condign penance, and in the midst of your afflictions say "Merito hæc quia peccavimus."

This apostle of peace, Aglipay by name, who thus indulged in clerical polemics, became important to Aguinaldo's interests in successfully inciting the people of northwestern Luzon to hostility, either through force or persuasion, and by his military operations in the field proved himself to be abler as a soldier than as a bishop of the church. Through his instrumentality or personal efforts, and the bloody rule exercised by Aguinaldo's Tagalo lieutenants in the country where they still held control, unexpected resistance, and in some instances unlooked for attacks in considerable force, were experienced, which made it necessary to dispatch additional troops in order to furnish the inhabitants the protection they required to insure their personal safety. The navy had landed a force at Vigan, which had been gladly welcomed by the citizens and which had quietly taken possession of the city temporarily, awaiting the arrival of General Young. The latter had sent Major March's battalion of the Thirty-third Infantry into the mountains eastward in pursuit of Aguinaldo, and with the bulk of his remaining troops was proceeding northward from Namacpacan with the intention mainly of releasing the Spanish and American prisoners held by the insurgents in the province of Abra, his cavalry occupying the coast towns and cities through which he passed.

The telegrams received from him and his subordinates represent quite fully his operations and the difficulties with which he was obliged to contend. Lieutenant-Colonel Parker, of the Forty-fifth Infantry, who was detached from his regiment and serving with the northern column, telegraphed on December 7 from San Fabian, to which point he had returned from Vigan for the purpose of asking assistance:

General SCHWAN, *Chief of Staff, Manila:*

Am on my way to San Fernando to investigate Macabebes. Only 100 fit for duty. General Young recommends that all be transported back to Manila. I left Vigan 4 p. m., December 6. Young, with 3 troops and train, arrived there on the 5th; also 200 marines and sailors. Few insurgents about Vigan. December 4 Young took trenches east of Narvacan with loss of 1 killed and 14 wounded. Spanish refugees report San Quintin, east of Vigan, taken by Hare and Howze on December 5, who are now advancing on Bangued, where no resistance is expected. Spanish prisoners numbering 600 turned loose by insurgents. Spanish higher officers and Americans spirited away; direction retreat not known. Command in great need \$5,000 quartermaster and subsistence funds; also forage, horseshoes and nails, forge and blacksmith tools, coal, men's shoes, stockings, underclothing, hats, leggings, ammu-

nition, and medicines. Hospital ship *Relief* arrived Vigan Harbor 6 p. m. yesterday, bringing Wessells and 150 cavalymen dismounted; horses left at San Fabian. Young expected Wessell's command to arrive mounted at Vigan to-day. Owing to lack of shoes he has only 100 cavalry fit for duty. Transport needed at Vigan to take back Spanish prisoners. Same transport can bring supplies and funds. Spaniards arriving in great numbers. Medicines and surgeons for sick Spaniards needed. Leave here for San Fernando at 5 p. m.

The following telegraphic correspondence ensued:

MANILA, P. I., December 8, 1899.

COMMANDING OFFICER, *San Fabian*:

Should *Princeton* or *Zafiro* report at San Fabian for any purpose, inform commanding officers that Admiral Watson orders them to return to Vigan with dispatch, to remain there awaiting arrival *Helena*. Inform commanding officer *Newark* that Spanish prisoners will be brought down by Maritima Company's steamer, which leaves to-day.

SCHWAN, Chief of Staff.

SAN FABIAN, December 8, 1899.

General SCHWAN, Chief of Staff, Manila:

Princeton left harbor this morning without calling for dispatches, although I tried to signal her, without answer. The *Zafiro* left for Vigan with the Utah battery and other stores last night. I will look out for *Newark* or other ship and attend to your orders. *Callao* left with the *Zafiro*.

BISBEE, Commanding.

MANILA, P. I., December 8, 1899.

Colonel BISBEE, *San Fabian*:

Steamer *Romulus* leaves to-night to bring Spanish prisoners from Vigan, going direct to that point. Did you give two machine guns to Colonel Parker? If not already delivered, retain them. Two Nordenfeldts can be sent from here. Answer at once. Steamer *Reyes* will proceed north and bring to Manila Macabebe scouts.

SCHWAN, Chief of Staff.

SAN FABIAN, December 8, 1899.

General SCHWAN, Manila:

The following just received from General Young: "Vigan, 8th.—Chief of Staff, Palace: Dispatches from Wilder at Tuquin, December 4, give following information: Spanish prisoners report engagement between our troops and Aguinaldo's guard, commanded by Gregorio del Pilar, 18 miles northwest of Cervantes, Lepanto province, on December 3, on well-fortified trail; that the fight lasted four hours, resulting in the rout of the enemy, with loss of 70 killed and wounded. Pilar said to have been killed. Our loss 1 killed, 6 wounded. Our troops in hot pursuit. Wilder now on March's trail near that point with 68 Macabebes. Igorrotes repairing trail and carrying food of their own volition. Hare and Howze entered San Quintin 5th instant, thence to Pidigan early on the morning of the 6th. From that point Hare pushed rapidly on direct route northeast of San Jose in hopes of cutting off escort to American prisoners. Howze pushed through to Bangued, thence by a more north-westerly course to make junction with Hare on the 7th. Cronin, with 143 men and 3 officers Thirty-third, started up canyon from Vigan with ammunition and supplies to be taken by natives on rafts to Bangued. On night of 6th Wessells, with 3 dismounted troops Third Cavalry, arrived at Vigan by boat, having been ordered by Colonel Bisbee. Morning of 7th Wessells reembarked to return with a written order from me to proceed mounted with all the force of his command at San Fabian, make his headquarters with 3 troops at San Fernando and send 1 troop to take station at Nanaapacan. He was also given verbal instructions with reference to patrolling trails in the mountains. Steever, with two troops of his squadron, left San Fernando on 7th, with order, from me to proceed to Narvacan. Captain Koehler, with mountain battery, harness and 40 men, arrived at Vigan this morning on the *Zafiro*; 40

men Thirty-third, under Captain Ashburne, arrived by same boat. Horseshoes and nails arrived this morning. Two hundred and fifty-nine Spanish prisoners, together with sick and wounded of my command, started for Manila on 7th on *Relief*. More than 300 Spanish prisoners arrived in Vigan during afternoon and evening of 7th, including 15 or 20 officers. I am obliged to feed these men, and should have transport to ship them as soon as possible. The transport is necessary to carry supplies from Dagupan to Vigan.

"The coast road is in fine condition with the exception of a number of burned bridges, which require a considerable amount of money to repair. Most of these bridges were destroyed by Aguinaldo's guard. The telegraph line could be repaired at a comparatively small expense. Wilder, March, Hare, and Howze are living on the country. Money is necessary to pay the bills. The \$2,500 I borrowed from the tobacco company at San Fernando should be paid at the earliest practicable moment. While my columns are operating separately in the mountain trails my headquarters will be in Vigan. Captain McCalla, Navy, and all of his commanders have assisted me every way possible. The retention of 5 troops Third Cavalry and mountain battery forced me to engage Tinio's concentrated force of three times my number, in apparently impregnable position, to prevent him from following and embarrassing March's column. Lieutenant-Colonel Howze, who led the assaulting column after dark in that engagement and slept in the trenches, reports enemy's loss at 35 killed, 10 officers and 68 men wounded. Spanish prisoners estimate the enemy's loss in that engagement of the 4th in the mountain pass at 200 killed and wounded. As soon as cavalry at Vigan can be shod it will go north rapidly by the coast road to Laoag, or to the extreme north of the island if it is thought necessary, being governed by information obtained at that point. I need 15,000 rations landed at San Fernando and 50,000 at Vigan, making in all thirty days' supply at Vigan. There should be supplies for sale. I have directed Captain Ramsey to take all trains pertaining to my command to Vigan. I request that \$10,000 Mexican be sent for use of my command at Vigan. This amount should be invoiced to Captain Ramsey or Lieutenant Howard, of my staff, at Vigan. I request an officer and detachment of engineers be ordered up to repair bridges on coast road from San Fabian to Vigan. (Signed) Young, brigadier-general."

RAMSEY, Captain, Ninth Infantry.

SAN FABIAN, December 8, 1899.

General SCHWAN, Palace, Manila:

Parker took Utah battery, 6 guns; the machine guns are here. Best information is that Wilder and Macabebe scouts are scouting in mountains near Cervantes. Fifty on 6th instant were at San Fernando de Union under orders to join Wilder. Best points to reach them, in my judgment, would be San Fernando de Union, Namacpacan, and Candon. Some may go to Vigan. Any found in this vicinity will be sent to Dagupan.

BISBEE, Colonel, Commanding.

SAN FABIAN, December 9, 1899.

General SCHWAN, Chief of Staff:

General Young sent for me last evening to report to him on the *Wheeling*. He wishes me to first forward his trains, the last of which will leave here to-morrow morning. He desired me to proceed to Manila by way of San Fernando Pampanga, and to procure funds upon his requests to pay certain outstanding indebtedness. His urgent wants had been supplied, except funds. He returned to Vigan about eleven last night. I leave here to-morrow in accordance with his orders. His wishes about transportation agree with the plan telegraphed to me by Colonel Miller, chief quartermaster, and which he said were satisfactory. I will report to you immediately upon arrival.

RAMSEY, Captain, Ninth Infantry.

VIGAN, December 10, 1899.

CHIEF OF STAFF:

Dispatch from Colonel Howze from Lapas, December 6, shows definitely that our prisoners are moving north with General Tinio. Two American prisoners were rescued near Lapas, by name, Bruce, First Nevada Cavalry, and Edwards, *Yorktown*, Navy; also O'Brien, Englishman. Howze left on Tinio's trail with Penn's battalion.

Following received from Major March: "Cayan, P. I. December 7, 1899.—General Young, or commanding officer at Candon: I have destroyed Aguinaldo's bodyguard and killed General Gregorio del Pilar. General Concepcion and staff have surrendered to me and will be sent to the seacoast. Five hundred and seventy-five Spanish prisoners, including 150 friars, have been liberated, and the province of Lepanto cleared of insurgents. Aguinaldo has been driven to mountains a fugitive without a command, and is making toward Bayombong. My loss is 2 killed and 9 wounded. Insurgent loss in battle of Tila Pass 52 killed and wounded. (Signed) March, commanding."

Major Sirmyer, Thirty-third Infantry, has just arrived from Dolores. Colonel Hare marched from Pidigan, via Pilar and Manaba, to San Jose; captured vice-presidente of Bocay with \$300 and letter to Aguinaldo addressed to Cayan. Three insurgents captured with arms and ammunition state that many insurgents are escaping, and that they had been without food for three days. Colonel Hare, with 100 picked men, is on Howze's trail, leaving 270 men in Bangued. He captured second messenger with letter to Aguinaldo, which states that they would concentrate at Bannajin, Ilocos Norte. Colonel Hare left San Gregorio December 9. Navy landed force at Laoag to-day, consisting of 100 men, also Captain Koehler, Thirty-seventh Infantry, with one gun. Major Swigert, with 100 cavalry, should reach Batac, on coast road, to-morrow, with instructions to reconnoiter Bannajin to the east. The 100 men landed at Laoag include 50 men from the U. S. S. *Wheeling*, and 50 men sent by me with one gun from this point—all that could be spared. Leave to-morrow morning on *Samar* with 20 men of my escort for Laoag.

YOUNG, *Brigadier-General*.

LAOAG, *December 11—4.30 p. m.*

CHIEF OF STAFF:

Following just received: "General Young, commanding north column. Sir: I arrived here with my little command at 12 noon to-day, and have now received all Spanish prisoners in these parts, and 3 of our prisoners. I came over the mountains, over seemingly impassable trail, and fighting through the mountains and canyons I have driven Tinio's army before me and have killed about 50, wounded many, captured over 100, also 200 rifles, 7 cannon, about 80,000 pounds of rice, some sugar, salt, and other supplies; many uniforms, several officers, etc. General Tinio has taken to the hills to the northwest with our prisoners, but I'll follow him and, I think, capture him. I have had only 2 wounded, whom I take with me. I have captured 20 ponies, more or less worthless, and all the carts and sleds used to get from Bangued to the mountains. Please send a support to me to Piddig, with all possible speed, and get us rations to that point, if possible. My men will, when we get our prisoners, have reached the limit of endurance. I expect a total collapse. I captured \$420 at Lapas from General Quesada, who had a mounted escort which I destroyed. Very respectfully, (Signed) Robt. Howze, lieutenant-colonel, Thirty-fourth Infantry, commanding."

I left Vigan 8 a. m. on *Samar*, reaching Laoag at 4.30 p. m. Following received by me here: "U. S. S. *Wheeling*, off Laoag, P. I., December 11, 1899. — Brigadier-General Young, U. S. A.: General: After disembarking men I remained at Passatoen till 3 o'clock p. m.; received no signal; then moved slowly down the coast parallel to beach to Laoag. At 9 signal rocket and green star fired from Laoag as agreed upon this morning; established signal communication at mouth of river with Ensign Todd, and sent army rations for our men. I inclose copy of Mr. Todd's report and also my additional instructions to Lieutenant Kaiser. Spanish prisoners report American prisoners (1 officer and several men) taken from Laoag to Salona. General Tinio wounded in both legs. There are about 1,500 Spanish prisoners here, including a general and navy officer, and about 200 sick. Very respectfully, (Signed) W. L. Burwell, commander, U. S. N."

Information received last night necessitated my presence here to-day. I have put Lieutenant-Colonel Hayes in charge of feeding prisoners until transport arrives, which should be earliest possible moment. Koehler with gun detachment, 1 gun, and 35 men of Thirty-fourth, started 6 o'clock this morning to join Howze. Swigert should reach here to-night with 100 cavalymen. Have given orders about Macabebes. I remain here to-night with navy, under command of Lieutenant Kaiser, Navy, and 20 cavalymen under Lieutenant Bell, dismounted, brought with me on the *Samar*. I send *Samar* with this dispatch to-night. Can not speak too highly of Howze and his men. I am much indebted to navy and to Captain Burwell and his officers for greatly needed assistance rendered.

YOUNG, *Brigadier-General*.

LAOAG, December 13, 1899.

CHIEF OF STAFF, Manila:

Following received from Howze: "Maniting, December 12, 1899—5.30 a. m.—General Young, commanding north column. Sir: I have the honor to report that I reached this point at sunrise yesterday morning with Major Penn's battalion on the trail and within a few hours of our prisoners, under command of Generals Tinio and Natividad. After careful reconnaissances and from all information, we have found that Tinio's column (what is left of it), with 23 of our prisoners, has gone into the mountains here. An old man I picked up shows that the trail leads toward the province of Cagayan, but at the crest of the range it seems to separate into three trails. One goes toward Bangui, one toward Pamplona, and the other toward Abulug. On map all lead toward Pamplona at top of mountain, but I believe the chances are they will try to make Bangui, although there seems to be no trail. The enemy can not return this way while a command stays here. I recommend that a small command be sent at once by boat to Bangui. I have had a fight every day since and including December 4. Have traveled rapidly over impassable trails. The pluck of my officers and men has been remarkable, and they are deserving of the thanks and praise of our country and its people. We have fought three battalions under two generals, on plains and mountains, in canyons and towns. We have captured 2 officers, 60 men, 7 cannon, 200 rifles, 8 of which were Mausers; 10,000 rounds Mauser cartridges, 12,000 Mauser bullets and 16,000 Remington, 8 sets reloading tools, powder, lead, brass, the records of two battalions, 20 or 30 ponies, carabaos, 70 or 80 carts, etc., and much else. We have completely paralyzed Tinio's command. His men are deserting rapidly. The prisoners say his companies run from 4 men to 50 each. They still have remnants of three battalions. They have plenty ammunition and all probably now have Mauser rifles. The inhabitants here say that it is impossible for the enemy to get through the mountains, but they have gone there and will probably get through, as they have plenty of food for the small command that they have. With all this work, General, you can understand the condition of my command. Send me 100 fresh men with good shoes, or send me shoes for my men and I'll drive the enemy through these mountains. It is just possible that the enemy has gone short distance into the mountains and is waiting to see our move. I may be able to determine that point to-day. If the force now at Piddig could have gotten there thirty hours sooner, the enemy would have been entirely cut off from the mountains. We drove him too rapidly, however, for that. I have requested the commanding officer of the forces at Piddig to send me 50 of his men, and if they get here to-day I may take some men into the mountains anyway. If we push the enemy, I believe he will make for the province of Cagayan, entering it through the pass of the Rio Pamplona. The natives say it takes six days to make the trip, but as yet I have found no one who has been over the mountains, as the insurgents have pressed everyone into their service as cargadores. * * * Very respectfully, Robert L. Howze, lieutenant-colonel Thirty-fourth U. S. V., commanding."

Following received from Hare: "Dinglas, December 12, 1899.—To Commander U. S. Forces, Army or Navy, Laoag: Arrived here at 1 p. m. to-day, and leave at 9 for Salsona. From latest received Howze is pressing for prisoners, and I shall back him up. Am pressing horses for conveyances. My men are exceedingly tired. (Signed) Hare."

Captain Koehler with one gun and detachment and Lieutenant Morrison and detachment reached here from Salsona 5 p. m. yesterday. Captain Koehler will garrison Laoag with his twenty men, armed with Lee rifles borrowed from the *Wheeling*. Naval force from *Wheeling* came back this morning, also Lieutenant Morrison with detachment, except 10 foot-sore men left with Captain Koehler to be landed at Bangui. *Zafiro* arrived yesterday afternoon with naval stores, and there are now landed some 2,500 rations and turned over by her commander for my troops; also 100 pairs shoes and 200 pairs socks for Howze's command, which will be started to overtake him at once under charge of Lieutenant-Colonel Hayes with an escort of 10 men. I send 450 Spanish prisoners on *Zafiro* to-day to Manila. Of these 200 sick, necessitating their immediate removal. Two were buried yesterday. Nothing heard from Swigert, who left Vigan at daylight morning of the 10th for this point. Will try to get Captain McCalla to send army or navy detachment to Pamplona. Will go to Bangui to superintend the landing of the force at that point. Will probably return here to-morrow. Every possible effort will be made to release the American prisoners who, reports say, are being badly treated now, their guard being pressed too closely.

YOUNG, Brigadier-General.

LAOAG, December 15, 1899.

CHIEF OF STAFF, Manila:

Following received:

"Maniting, December 13, 1899.—General Young: I found Howze here last night, and his command is simply bare-footed. I will go ahead this evening with 70 men and 13 officers, all told. I will follow them over the mountain and think that I shall come out at Aparri or Pamplona. This takes every man whom I can reasonably hope will be able to make the trip over the mountains. Howze will stay here and watch the pass and stand a fine chance to take in the bunch, as they may try to come back this way. He is certainly a bundle of nerves and energy. L. R. Hare, colonel, Thirty-third."

"Maniting, December 13, 1899.—General Young. Sir: I have the honor to report that Lieutenant Bell reached me to-day with rations. Colonel Hare is just leaving for the mountains. My men are absolutely shoeless, only 12 pairs in the whole command that can stand two days' march. I will remain here to keep Tinio from following canyon. Tinio is now without a command—a refugee. He came out of the mountains as an individual, probably with a dozen men. He may try to make Bangui, but if a small force lands at Bangui he will again have to take to the mountains. I captured 14 men with rifles yesterday, and about 40 played-out pack ponies here. The command from Aparri should at once work up the Pamplona River toward an Igorrote community called Cabbagean, the destination of our prisoners, unless the enemy chooses to return from the mountains over trail that leads toward Bacora."

* * * Piddig is most important for the passage of the insurgents, and if the conditions permit should not have been unguarded. Bacora seems an important point to us, as the trail comes down to the coast at that point, and down the river. I returned some sick and some wounded with Lieutenant Bell. Very respectfully, (Signed) Robert L. Howze, lieutenant-colonel, Thirty-fourth Infantry, U. S. V. P. S.—Is it possible to get shoes sent to Laoag for my men? I will have to get them before command can be of any service."

"December 14.—General Young. Sir: I have the honor to inform you that I follow Colonel Hare this p. m. into the mountains after our prisoners. They are heading for an Igorrote settlement by name of Cabbagean. A major, General Natividad's brother, came into our column last night, and he confirms what I have already determined, namely, that our prisoners were at above place guarded by 150 men. Tinio is out without force, but he may be trying to collect one at Piddig or Vintor. The position of General Natividad is unknown, but he probably escaped from me at Banna and is now in mountains about Batoc and ready to surrender when he knows that he will not be harmed. I believe he gave me the slip with a lot of money at Banna. This major has written a letter to the officer in charge of our prisoners, telling him to surrender to me and that we will not maltreat or abuse him, etc. The guard of the prisoners belongs to this major's command. I return him to you to be held, at least, for news of us, if you please. We take five days' rations. I think it well that this command now here, about 80 men, be left here until news can be had from me or Colonel Hare. Very respectfully, (Signed) Howze."

"Dinglas, December 13, 1899.—In accordance with orders received, I left my wagons at Batoc on the 11th instant, and started for Banna, over the mountains, at 3 p. m. There was no road at all. The command reached the foot of the mountains in the evening, and captured 3 out of 5 insurgents who came down from the mountains. Three guns were captured and destroyed. The command left camp early the next morning. About 10.30 a. m., in a small valley in the mountains, encountered a force of the enemy stated by the natives to be two companies, amounting to about 120 insurgents. This force was engaged and scattered in all directions. Privates Harry Sweger and Charles W. Frazee were killed and Private John Dillinger wounded, all of Troop A. After burying our two dead, command proceeded on to Banna, where it arrived at 6 p. m., and received news there of Colonel Howze's and Colonel Hare's commands. These two commands left here for Salsona and thence northeast for Rancho Cabroogan, according to report of natives here. In order to cover as much country as possible I shall move at once from here to Piddig, and probably thence to Bintar. From Piddig, however, I shall be governed by information received on the road. The natives here report that Tinio, Natividad, and Aguinaldo, disguised, left here Saturday night with a force of three or four companies, some 500 men, going to Salsona and thence to Cabbagean. (Signed) S. W. Swigert, major, Third Cavalry."

Colonel Hayes, with additional rations and 150 pairs of shoes and 250 pairs of socks, reached Colonel Howze at daylight December 14. I landed at Bangui Lieutenant-Commander Beatty's battalion marines and bluejackets from Captain Burwell's ship, and 30 men, Thirty-third Infantry, under Lieutenant Morrison, at 6 p. m.

on the 13th. Captain Burwell, with the *Wheeling*, left at daylight on the 14th to carry my request to Captain McCalla to send a force to occupy Pamplona. Lieutenant-Commander Beatty's force occupied the mountain pass, captured several prisoners more or less important, with orders to hold here until the arrival of Captain Hunter with his troop to-day. The *Wheeling* returned bringing good news from McCalla. I returned here this morning in the *Samar*, found the *Venus* just dropping her anchor, having arrived to transport Spanish prisoners. The *Uranus* is expected to-morrow morning and will take balance of 400. I will direct her to call at Vigan to complete her load. General Tinio is a fugitive without any command, hiding in the mountains. Major Natividad, brother of the general, has sent a letter to the commander of the guard of the American prisoners advising him to surrender them at once. The force that fought Swigert was between the trail of Howze and the coast road. I have been careful to notify the people from every pueblo to lay down their arms and go home. In case these bands continue to fire into my troops it may be necessary for me to make examples of some of the r. I feel confident that Hare and Howze will recapture or force the release of our prisoners now in the mountains within a few days. Captain Burwell will bring down the foot detachment under Lieutenant Morrison from Bangui to-morrow, and I shall then return to Vigan to see how matters are progressing.

YOUNG, *Brigadier-General*.

VIGAN, December, 18, 1899.

CHIEF OF STAFF, Manila:

Following just received:

"Mountains, December 16, 1899.—General Young: We are following over a trail that I have never seen equaled for difficulties. So far no one has been hurt, no one sick. We hope to get out of the mountains to-day. Now as to the prisoners: I confess that I am at a loss, although O'Brien feels sure that we are on the right track. The first day out we met some Tangineys who had been picking up guns, etc., and as they heaved in sight our point opened up and killed one of them. I may have to pay the head-villager \$100 for funeral expenses, and, incidentally, his good will. You will have to send, for us, at Aparri, clothes and rations. I confess disappointment, as the prisoners no longer drop signs. Howze caught up, and is, of course, great support in the trip. I feel that there has not been anything that could have been done that we have not tried, and should we fail, we have simply done our best. (Signed) Hare."

"In mountains, December 16, 1899.—General Young: Sir: Colonel Hare with 70 and I with 60 men, are making for the valley of the Cagayan. We are committed to this route and can not now turn back, although the insurgents with our prisoners may have given us the slip after they got well on the trail. We are on the trail, very fresh, of a force, but it does not look worn enough for the 150 reported with insurgents. Colonel Hare and I agree on this being a good military move, for we will clear these mountains and the valley of Pamplona and Abulug. We ought to make Aparri within three or four days. I left Captain Rollis, Thirty-fourth, at Maninbing with about 80 men, Thirty-third and Thirty-fourth combined. If there has been no development since I left there, there is no necessity of his remaining. If our prisoners have slipped us they may have headed for the Bacorri Rio, via Vintor, or perhaps for Banna again. If Captain Rollis can be returned to seacoast where we can be landed if you send to Aparri for us, it would seem to me to be best. All are well and no accident. (Signed) R. L. Howze."

The *Wheeling* leaves to-night to bring Hare and Howze to this coast; Howze to Laoag, Hare to this point. The loss of the Macabebes reduces my command so that it will be necessary to retain Howze unless you can send me another battalion. The finding and releasing of our prisoners is an imperative duty that can not and should not be delayed. Steever with two troops Third Cavalry moved yesterday from Masingal, 10 miles north of this point on main road, on trail in southeastwardly direction into the pass of the Mulupan River, where an insurgent force has been reported as refusing to lay down their arms. A strong detachment of infantry moved from Bangui at the same time to close this pass behind the insurgent forces. Five wounded men from March's battalion arrived last night. The other 5 wounded in same engagement refused to come, being able to do light duty. I propose to keep the country thoroughly scouted and patrolled as long as there is reason to believe that there are any armed insurgents in it. Five pack mules to each troop of cavalry would be of great use to me. I need 100 pack saddles for ponies for use of infantry. Four ambulances with 4 mules each would be of great assistance. I think it wise to clean up all this territory at once, without giving the insurgents any time to recuperate and assemble in any large force.

YOUNG, *Brigadier-General*.

VIGAN, December 21, 1899.

CHIEF OF STAFF, Manila:

Major Steever with two troops left Vigan 17th instant for Balagao Mountain, where company of insurgents was reported under Captain Reyes. A letter was sent by Major Dade of my staff to Reyes through president of Lapog on the 14th instant, inviting surrender. At Masingal Major Steever found a letter from Reyes, dated Malebaletang, December 15, 1899, addressed to president of Masingal, Lapog, Cabugao, Sinait, and Badoc, calling upon them to capture 76 of his men who had deserted with arms and munitions. President gave information of Saledono, with force at Badoc. Heidt's troop was sent to Mount San Samon, and went to Lapog, whither information indicated Reyes had gone. Near trenches were new nipa huts, which, being evidently for barrack purposes, were destroyed. Major Steever with E troop proceeded to Badoc, where vice-presidente denied that there were any insurgents in the vicinity, all having gone to Ilocos Norte or Cagayan. He went on into the mountains to Rancheria Ugus, 12 miles southeast of Badoc. Near Ugus found trenches and nipa barracks. Information indicated that insurgents had left three days before. Steever reached Vigan December 20. Captain Ashburn, Thirty-third Infantry, with 74 men, left Bangued December 17, proceeded via trail over Mount San Samon to Santo Domingo, thence via Vigan to Bangued. On west side of mountain found trenches and nipa protection in process of construction, which he destroyed. Information obtained from the responsible people of this town indicates the formation of little bands of robbers, composed of Tagalos belonging to Reyes's command. Complaints of robberies come in daily. Castner's scouts arrived yesterday from Aparri and will be of service. I need Howze and his battalion very much, particularly as he and his officers have passed through the country in which I intend they shall operate after recuperation. It is the country about Laoag. Laoag is a larger town than Vigan, and the numerous barrios and thickly settled valleys within ten miles require considerable force to guard the mountain passes and protect the inhabitants until these robber bands are exterminated, which I feel confident can be done if the proper active measures are pursued. Lieutenant Duffy with a force has started from here with a telegraph line southward.

From Candon north poles and wires have been destroyed by insurgents. I have caused the provincial presidente of Ilocos Sur to direct the local presidentes to have the poles delivered and put up as rapidly as possible. I send the *Castellano* back to-day under charge of Captain Ramsey for additional needed supplies. She will carry some sick and wounded and a few Spanish prisoners, also a man from each troop to find and bring up company records, in order that pay-rolls may be accomplished, and men whose service has expired may be discharged. * * * I have no interpreter now except my aide, Lieutenant Smedburg, who is already overworked in performing the duties of adjutant-general and other important service. Need stenographer and typewriter in order to get up my report within a reasonable time. If you have any officer or civilian who could be spared to organize the provincial and municipal governments here, he should be sent at once, as the people are very anxious to have the government machinery in operation. I have directed all officials to proceed as they did under Spanish law before the insurrection, until otherwise directed. I recommend Capt. J. G. Ballance, Twenty-second Infantry, for this work, if he can be spared, and it is agreeable to him. Captain Shields, Thirty-third Infantry, reports from Bangued the presence of roving bands of insurgents in the vicinity. December 18 mounted band of 50 or 75 in the vicinity of Pagala, near Bucay, going east. December 19 band of 7 killed native ranchman near Bangued. Unconfirmed report that 80 passed near Pidigan December 19. Reinforcements have been forwarded to Bangued.

YOUNG, Brigadier-General.

VIGAN, December 21, 1899.

CHIEF OF STAFF, Manila:

Following just received: "Near Danlaos, in mountains, December 17, 1899.—We ran into this place yesterday afternoon, after the most fatiguing march up and down the mountains. About 4 o'clock we ran into a small rancheria, and to our surprise and pleasure found prisoners, Sergeant George McDonald, Company I, Twenty-first Infantry, captured at Imus, Cavite; Norman Galen, U. S. S. *Baltimore*, captured at San Fabian, November 8, 1899; John J. Farley, U. S. S. *Oregon*, captured in Orani River, September 17, 1899. Gilmore and remainder of party left here yesterday morning on the road to Cabugaoan and we are, of course, closely behind. We have exhausted the talent of our guide and are now delayed looking for a pilot. The country is not

only difficult but perilous, and from what I can learn there is only one way to reach the place. However, if people have gone over it we will try it too. The capture was made by a complete surprise. Howze was up with his point, and the guide showed him the house. Enemy's sentinel fired as soon as we came in sight. No one touched, but one insurgent killed by our point and two others who tried to escape also killed. The country is sparsely settled and the situation critical if we take back trail. If possible to cross mountains we can get into valley and take care of ourselves. You can easily appreciate the necessity of a boat at Aparri or Pamplona, preferably Aparri. The magnificent courage, endurance, and spirit of this command naturally makes me proud of my position as its commander. Howze is as full of energy, resource, and inspiring enterprise as ever. His example carries great weight in this, the hardest piece of work of my life. I have promised these guides \$15 apiece, which please pay, as we are out of funds. Hare, Colonel Thirty-Third Infantry."

This is most glorious news. Hare and Howze and their little commands have done wonders, and certainly deserve the thanks of Congress and substantial recognition for their work. I have sent the *Wheeling* to Aparri to bring them here, as indicated in my former dispatch. If the *Princeton*, which has just dropped anchor off this place, has no special urgent orders, I will go on her to Laoag to-morrow, and send out reinforcements with supplies to meet Hare, in case circumstances compel him to return over trail. * * *

YOUNG, *Brigadier-General.*

VIGAN, December 25 (via Nannacpagan, December 28), 1899.

CHIEF OF STAFF, *Malacañan:*

On the 23d Captain McCalla reported: "I will look after Colonel Hare and Howze, reported to be at Malaueng, province Cagayan. * * * Rumored that Tinio was at Palasi, in the mountains between Bangui and Claveria, with 1,000 men. I have 85 men at Pamplona, 35 at Aparri, a store ship in the river, and you need never wait for supplies.

Burwell writes under date of 23d: "Under your instructions I went to Aparri and sent telegrams and couriers to find Hare and Howze, as Captain Hunter needed rations, and came back to Bangui to supply him. Have landed 60 bluejackets and a company to reinforce Hunter until you can be heard from. Have made all arrangements, so there shall be no delay in bringing Hare and Howze to you when they arrive at Aparri. Boats and cascos were ordered to help transport the troops when they strike the river. I have extra rations and can keep my men and Hunter here indefinitely. Hunter states trails 'impassable for cavalry horses toward Palasi. On some maps it is called Patapan; also, Pancan. Tinio's force reported 1,000 strong. Can not as yet locate him positively.'"

Insurgents in small bands are committing depredations and robbing in the province of Abra and in the mountain valleys from Vigan to the northern limit of the island on the west of the divide. Have given orders to hold all Tagalo insurgents prisoners. The Ilocanos are far superior to the Tagalos and beg to have the Tagalos sent out of these provinces. * * *

YOUNG, *Brigadier-General.*

MANILA, December 31, 1899.

General MACARTHUR, *Bautista:*

Young having considerable trouble in Union province, where still many Tagalos. Let troops that are nearest San Fabian work to northeastward, until more troops can be sent Young.

SCHWAN.

MANILA, December 31, 1899.

General YOUNG, *Vigan, via San Fabian:*

The additional battalion requested by you in Union province will be sent as soon as practicable to San Fernando, one company Aringay, one Bauang; meanwhile use battalion Thirty-fourth. General MacArthur requested to operate northeastward from San Fabian. Small vessel will be sent you if it can be secured. Orders issued enable you to appoint courts-martial. Ballance with regiment at Candaba. Trading vessels clearing from Manila will touch at minor points on coast, reporting at nearest port announced in orders.

SCHWAN, *Chief of Staff.*

MANILA, January 1, 1900.

General MacARTHUR, *Batista*:

General Wheaton has been directed to turn over his command to whomsoever you may designate, and report at these headquarters as soon as practicable. The trouble in Union province arises from depredations of small bands of returning Tagalos. Young reports that they rob and murder the inhabitants, and that he has not sufficient troops to cover that country. These bands move along the base of the mountains. Wheaton's force appears to be well stationed to perform the duty required. Scouts in the direction of Rosario and in the small towns to the eastward is all that can be done. Colonel Parker, who has just returned from San Fernando, reports unsatisfactory condition of affairs at Trinidad, but that point is too far to the north to be reached by your troops. We will send an additional battalion for use in country east of Aringay and Bauang as soon as possible. Do you hear anything from Bongabong?

SCHWAN, *Chief of Staff*.

VIGAN, January 5, 1900.

CHIEF OF STAFF, *Manila*:

Hare and Howze just arrived with all our prisoners. Their work is unparalleled. I urge that Hare and Howze be appointed brigadier-generals, volunteers, and all officers and men, who will be mentioned by name, for medals of honor.

YOUNG, *Brigadier-General*.

VIGAN, January 11, 1900.

ADJUTANT-GENERAL, *Palace*:

Have received the following: "Lieutenant Ward reports that Capt. Theodore Schultz, Thirty-third Infantry, commanding at Narvacan, while returning from expedition in the mountains, was fired on about 14 miles from Santa Maria by 40 or 50 insurrectos, armed chiefly with Mausers. Attack very sudden. About one-half hour after dispatching mounted messenger for reinforcements firing suddenly ceased. Patrolled surrounding country but found only 'amigos,' and together with reinforcements returned to camp. Exchange of shots continued for about an hour. No casualties reported. Will send strong patrol in this direction to-morrow. Schultz, commanding Narvacan."

Following from Wessells: "About 50 Tulisanes entered Bangar early this morning and murdered the presidente and four others. A detachment of cavalry is in pursuit."

YOUNG, *Brigadier-General*.

VIGAN, January 13, 1900.

ADJUTANT-GENERAL:

Following received from Wessells, San Fernando: "Lieutenant Barton, at Namacpacan, reports detachment of C troop struck organized band of insurrectos about 6 o'clock last night, 5 miles east of Bangar. Privates Coffey and Benson killed, and Corporal Flannigan and Privates Reynolds and Meeslightly wounded. Troop D left here this morning, with ten days' rations, in pursuit. Twenty of infantry company will go to Namacpacan to take charge there, and enable Troop C to go out also. Troop M returned last night from five days' scout east and north of here."

Also report by mail from Wessells, inclosing reports Lieutenant Johnson, Sergeant-Major Thornton, and Sergeant McBride, Third Cavalry, who report scout by detachment under sergeant-major January 1 and 2. Detachment fired on on 2d instant; became separated; sergeant-major and 1 man ran ahead, Sergeant McBride and others behind. Sergeant McBride gave fight, killing 7 of enemy. Result: Private Austin C. Withers, Troop M, Third Cavalry, 3 horses fully equipped, 2 carbines and 1 revolver captured. Scout by Lieutenant Johnson, on 4th instant, found no definite traces of Withers. Have ordered full investigation of sergeant-major's conduct.

YOUNG, *Brigadier-General*.

VIGAN, *January 16, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

Major Steever, with two troops, 2 Maxim-Nordenfeldt guns, and Castner's scouts, struck enemy in strong position on 14th instant, in open country near Mount Binnaya. Enemy had a dozen lines of intrenchments, with logs and trunks of trees, also bowlders, in position to be thrown down on attacking force on steep slope in front. Fighting continued from noon until dark, when the enemy, demoralized, scattered and fled to their rear. Colonel Howze joined with 50 men about midnight. Insurgents fled to south. Steever is now patrolling country about Lapo, where some were reported to have fled. Loss to Steever's column: Private George Mitchell, Troop E, Third Cavalry, killed.

Following just received from Candon: "Have just intercepted message from Tinio to commander of Filipino forces near this place ordering execution of all Filipinos who surrendered themselves to Americans. Otherwise message not important. Also intercepted message from Crisanta, rebel comandante near Santa Lucia, ordering presidentes in towns of Ilocos Sur to furnish money and provisions and threatening death penalty. Am informed that party of armed insurgents moved toward Narvaan last night. Indications point to concentration near Cobeta and Santa Maria. (Signed) Captain Davis."

Colonel Hare reports as follows: "Lieutenant Lowe, Thirty-third Infantry, returned from Bandi on the trail from Bangued and Banna. On the 13th he found a band of 20 insurgents under a lieutenant. Killed 2 and captured 2. Following up the next day he killed the lieutenant and captured 3. Found rolls of company papers on body of lieutenant, containing orders and instructions from Tinio and giving location of other small bands.

YOUNG, *Brigadier-General.*

VIGAN, *January 18, 1900.*

ADJUTANT-GENERAL:

Following received from Colonel Hare from Mount Lamanan: "Expedition successful. Will you please send by Indian courier quinine, also three days' rations of salt, coffee, and bacon, to San Jose, where it will be sent to San Guillermo. Have hard bread and sugar in San Jose. Plenty of chills and fever. Expect to be in Bangued on the 20th. John A. Jackson, second lieut., Thirty-third Infantry." Lieutenant Jackson's expedition was sent out under the following instructions, of December 30: "Commanding officer, Bangued: Your report of the murder of 8 persons at Bucay received. Brigadier-general commanding directs me to say that he authorizes you to proceed as suggested to punish these people, always, however, sparing the women and children." Information of a second murderous raid by these mountain Indians, in which they had beheaded 7 people, was received before Lieutenant Jackson started on his expedition.

YOUNG, *Brigadier-General.*

VIGAN, *January 22, 1900.*

ADJUTANT-GENERAL DEPARTMENT PACIFIC, *Manila:*

Following just received: "Headquarters Second Battalion Thirty-third Infantry, Cervantes, near Cayan, January 17.—To Acting Adjutant-General, Vigan: I have just returned from Quiangan. Inhabitants unite in saying that Aguinaldo did not get through to that place, and a house-to-house search failed to reveal any trace of him. Difficulties of travel during march indescribable. My rear guard was attacked twice by savage Igorrote warriors armed with spears and shields, and one of my men, Private Ed. Herrfeldt, E Company, killed by a thrown lance. They were driven off with great slaughter, 24 being killed in all, while numerous others were undoubtedly wounded and carried off into the forests. These savages have been attacking the insurgent forces with impunity and had them completely terrorized. When they attacked my force, however, they were taught a very severe lesson, which should be of material value when the United States gets ready to open up that wild country. March, Thirty-third Infantry, commanding."

YOUNG, *Brigadier-General.*

VIGAN, January 23, 1900.

ADJUTANT-GENERAL:

Major Steever returned last night; found graves 28 insurgents killed in his fight with Tinio. Native spies in this morning report Tinio's loss 59 killed. Lowenburg did wonderful execution with the Nordenfeldt guns. Dodd struck a company of insurgents near Santa Lucia yesterday about noon, killing 6. Was following up closely last night. Hare left Bangued at 4 a. m. yesterday for a forced march to Abualan with 50 picked scouts mounted on native ponies; Ashburn will follow him with 100 foot soldiers. My men are kept too much on the go. I need one more battalion of experienced men, like those under Hare and Howze, and will drive these outlaws out or kill them, and settle the savages before letting up. Please send me \$1,000, secret service, by Ballance or Burnside.

YOUNG, *Brigadier-General*.

MANILA, P. I., January 26, 1900.

General YOUNG, *Vigan*:

Castner's scouts scattered and in bad condition. Must be collected and paid off. Send Castner and those with him in your district to Manila first opportunity.

BARRY, *Adjutant-General*.

VIGAN, January 26, 1900.

ADJUTANT GENERAL *Department Pacific*:

Castner's scouts will be withdrawn from Santo Domingo and sent to Manila first opportunity. I should have at least one large company of infantry to take these scouts' place. Could you not send me the fourth company belonging to Penn's battalion of the Thirty-fourth? This would unite the battalion and give Howze sufficient force to station a company at Badoc and permit the port of Currimao to be opened. The foothills, extending to the coast road, give effective cover to these bandits and outlaws, who can see the approach of cavalry patrol at long distance, and in order to give proper protection to telegraph line it will be necessary to station detachments at frequent intervals between Vigan and Laoag. March sent in 4 officers and 16 men, who came up from the direction of Trinidad and surrendered to him at convent. I am holding them at Candon for transportation by steamer to their homes near Manila. There are held here and at Laoag about 125 Tagalo prisoners awaiting transportation south. The necessity of a steam vessel here stationed under my command is again urged. My cavalry horses are worked up to their limit of endurance. My belief is that by keeping up a constant hunt after these murderers, thieves, and robbers the country can be cleared of them in two months, and I believe that this can be accomplished by adding to my present force the absent company of Penn's battalion and small steam vessel capable of carrying one company and the necessary supplies. It could be accomplished sooner with more troops.

YOUNG, *Brigadier-General*.

MANILA, January 26, 1900.

General YOUNG, *Vigan*:

Troops required in southeastern Luzon and in northern Mindanao make it difficult to increase your force at present. Can not Johnson's battalion, Twenty-ninth, cover the Bangar section of country? General MacArthur might possibly cover country south of Aringay with his troops if necessary.

BARRY, *Adjutant-General*.

MANILA, January 27, 1900.

General MACARTHUR, *Batista*:

General Young wishes to keep the three companies Thirty-fourth now with him, and to have added to it the absent company which is in your command. If you can not possibly spare the company General Young will be so advised. He is obliged to keep the three companies now with him for some little time, as Tinio is giving him a good deal of trouble. We sent to him a battalion of the Twenty-ninth, and would reinforce him from here if conditions were different.

BARRY, *Adjutant-General*.

MANILA, January 27, 1900.

General YOUNG, *Vigan*:

General MacArthur has been directed to send to Dagupan for shipment to Vigan the fourth company of the battalion of the Thirty-fourth Infantry now with you in case he can spare it. The *Romulus*, with large supply subsistence stores, left for stations in your district yesterday afternoon.

BARRY, *Adjutant-General*.

VIGAN, January 27, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS,
Palace, Manila:

Following just received, dated Tagudin, January 27, forwarded to Namacpacan: "Surprised here last night a band of insurgents numbering 15; killed 2, wounded 1, captured 2, and 3 ponies equipped. Balance escaped to the hills; will try, through information obtained from the prisoners, to locate them to-day. (Signed) W. L. Lowe, first lieutenant, Thirty-third Infantry."

YOUNG, *Brigadier-General*.

MANILA, January 27, 1900.

General YOUNG, *Vigan*.

General MacArthur reports that it is impossible to dispense with the service of company Thirty-fourth Infantry you desire, and states further that he must suspend a directed movement on Baler, eastern coast of Luzon, until he receives three companies Thirty-fourth Infantry now in your district. You may hold Castner's scouts until further advised. Will endeavor to send absent members of that organization to it.

BARRY, *Adjutant-General*.

VIGAN, January 28, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Colonel Hare returned last evening from Bangued. The result of the expedition under Captain Ashburn, which Colonel Hare accompanied, is 2 lieutenants and 9 men killed and 5 men captured. Twenty Remington rifles and a large quantity of ammunition captured. One of the prisoners captured is wounded. Colonel Hare required the prisoner to identify and give the names of the killed. The success of this expedition is gratifying. Full report by first mail. Additional force at this time will save months of labor later.

YOUNG, *Brigadier-General*.

CANDON, January 30, 1900.

ADJUTANT-GENERAL:

Following received from Paymaster Downey last night: "Was attacked other side of summit, about 6 miles from Candon. Estimated number of insurgents 20 to 30. Escort did their usual good work and we killed 3 and wounded several. Not one of my men were touched." Major Downey has an escort of 16 men from the Thirty-third Infantry. The wire was again cut on the night of the 28th, both north and south of Vigan. On 19th, lineman going south to repair line driven in. Came here last night on gumboat *Samar*. As it seems impossible to get troops for operations in my territory, I am obliged to withdraw March's battalion, Thirty-third, from Bontoc and Lepanto to cooperate with the troops from Vigan and Bangued, in the neighborhood of Villavieja. I regret your inability to send me more troops, and that I am compelled to this action. Return to Vigan to-day. The insurgent forces in this section are split into guerrilla bands under the general direction of Tinio. They have terrorized the people and enforced their commands and contributions by murder when refused. I must again invite your attention to the necessity for a steam vessel for special use on the long coast of my territory. The destruction of wire between this point and Narvacan is about 1 mile, with poles cut down and wire cut in pieces and carried off.

YOUNG, *Brigadier-General*.

MANILA, January 31, 1900.

General Young, *Vigan*:

Every effort being made to secure a suitable vessel for the coast of your district. Parties in Hongkong hunting that market for a number. We are now supplying troops on nearly 5,000 miles of coast. Every vessel available at work. Troops occupy the whole of Luzon, except Camarines; the islands of Cantanduanes, Samar, Leyte, Cebu, Negros, Panay, Romblon, Mindanao; several points of the Jolo Archipelago, and a new expedition is about to start for southern waters. Your wants will be attended to as soon as possible. Report what distinct people oppose your troops—are they Tagalos or natives of that section? Many Tagalos have passed from your section, 500 going southeast, and insurgent Secretary of War Flores has made two attempts to concentrate troops in the vicinity of Humingan. Mascardo, San Miguel, and Garcia in MacArthur's territory. Other insurgent generals formerly north, now south. Know of no insurgent general north except Tinio, who has been in that section many months and had two battalions of troops. Herald correspondent, journeying unaccompanied through Benguet province, reports this morning that all villages of that province in peaceful condition, glad to be rid of insurgents.

BARRY, *Adjutant-General*.

VIGAN, February 2, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS,
Manila, P. I.

Captain Butler and Lieutenant Jackson, with 80 men Thirty-third Infantry, left Bangued at 3.30 yesterday morning, surrounded the town of Tayun and captured Col. Sylvester Domingo and Lieut. Ramon Lizardo. Detailed report not yet received. These officers were levying contributions for Tinio.

March reports capture, near Angaqui, of 14 insurgent soldiers with their guns and ammunition on the trail leading from Abra. These, together with all prisoners of war belonging in provinces south, will be sent under guard on steamer *Romulus* to Manila.

YOUNG, *Brigadier-General*.

VIGAN, February 3, 1900.

ADJUTANT-GENERAL, *Palace, Manila*:

Captain Van Way reports from Bangued that courier brought information that at 6 p. m., February 1, an officer and 7 insurrectos entered San Jose and shot and killed Presidente Hilaron Crisologo, Schoolmaster Perfecto Cruz, and Manuel Javier, the latter having been a guide for American forces. The party then left, presumably to join Villamar in the mountains.

YOUNG, *Brigadier-General*.

VIGAN, February 17, 1900.

ADJUTANT-GENERAL, *Palace*:

Following received, dated Laoag, February 16: "President Pasay reported, 3 a. m. last night, that a company of 50 insurgents were in his jurisdiction. I dispatched troops there, reaching and striking band before daylight, killing 3 of them and mortally wounding 1. Our casualties none. The band proved to be about 25 bolomen, sent in to get recruits. The chief is Antonio Constantino. The mortally wounded man says Aglipay is in Pangasinan province. Lieutenant Lansing, Thirty-fourth Infantry, commanded the detachment, and moved with great judgment. (Signed) Howze, commanding."

Also Laoag, February 16: "Yesterday the president here sent 14 of his police to the northeastern jurisdiction of Pasquin, where they were joined by the lieutenant of police of Pasquin, for purpose of placing small band insurgents reported there. The party struck the band, capturing 4 insurrectos and 3 rifles. The work of the presidente's police and spies in the province splendid. (Signed) Howze, commanding."

YOUNG, *Brigadier-General*.

MANILA, P. I., March 1, 1900.

Brig. Gen. S. B. M. Young, U.S.A.,

Vigan, Luzon.

SIR: I beg to acknowledge the receipt of your letter dated Vigan, February 25. Its contents have been carefully considered by the commanding general of the department. It is of course his desire to give you, consistent with requirements elsewhere, all the troops that are needed for the restoration of order within the limits of your command. Present indications are, however, that not more than one additional battalion, of 400 men, can be allotted to your district. Even these can not be spared until the result of the expedition to the Camarines is known. In Manila, quiet though enough upon the surface of things, there is a large number of plotting and scheming insurgents, many of whom held high rank in the rebel army, necessitating the presence here and in this vicinity of a considerable body of troops. More men are also required for service along the railway and for patrolling the country adjacent thereto. Much as we would like to meet your wishes in that behalf, it seems impracticable to let Duvall's regiment or any part of it join your command. The dispersion of battalions of same regiment is obviously objectionable, and Johnson's battalion of the Twenty-ninth Infantry being already in your district, it seems fitting that your force should be strengthened by completing an organization already forming a part thereof.

Very respectfully,

THEO. SCHWAN,

Brigadier-General, Chief of Staff.

VIGAN, March 6, 1900.

CHIEF OF STAFF, Manila:

The following dispatches are repeated for your information: "Laoag, March 6.—To Adjutant-General, Vigan: Look out for juntas of insurrectos. I have just rounded up one here and have the ringleaders. They seem to be working under Aglipay's orders, and the time to revolt is apparently near. Unfortunately, did not get any papers or letters. The sign now adopted is the Katipunan triangle and sun tattooed with blood upon the breast. These juntas are operating in all the general's territory; very weak yet, but getting strong rapidly. My striking them to-day will probably cause a change of sign and weaken the prospect for them in this province. (Signed) Howze, commanding."

"Namacpacan, March 6.—Adjutant-General, Vigan: In reference to the killing of Corporal King and Private Davis at San Francisco, I wish to add that I have definite information of the existence of at least five insurrecto organizations within a radius of 10 miles of Namacpacan and Bangar. The topography is such that it is impossible to bring large force in contact with these insurrectos. When they greatly outnumber the Americans they fight, otherwise they retreat into mountains. The situation is such that it is unsafe to send out bodies of less than 40 or 50 men. The insurrectos have a well-organized system of espionage, and all movements are immediately reported by couriers. Secret information leads me to distrust most of the native officials. The insurrecto recruiting officers are telling the natives that the Americans are meeting with heavy losses in the south. I have reason to believe that at an early date a large shipment of arms and ammunition is expected from Japan, but will not necessarily be unloaded in the vicinity. The troops at Namacpacan and Bangar, within the last five or six weeks, have lost 6 men killed, 2 missing, and 6 wounded. The insurrectos have captured 14 American carbines and rifles and about equal number of revolvers. The following insurrecto officers are in the field in the vicinity: Lieutenant-Colonel Villamar, in vicinity of Alilem; Major Guiterrez, somewhere between Alilem and San Juan; Captain Angeles, near San Francisco; Captain Mendoza, near Castro; Captain Hapon, near Tagudin; Lieutenant Simplicio, near Castro; Lieutenant Cruz, near Balaoang; Lieutenants Resurrecion and Joaquin Luna, near Batatoan. I don't believe that it serves our interests to send out small scouting parties. Past experience has been that no information is obtained or large forces are encountered. The dead men all show evidences of mutilation. Will send Colonel Wessels a copy of this message. (Signed) Johnson, captain."

Pack transportation is necessary for me to keep a large enough force in the field to contend with the enemy under the conditions now existing.

YOUNG, *Brigadier-General.*

VIGAN, March 7, 1900.

CHIEF OF STAFF, Manila:

Following just received from Laoag: "I have to report that although we are thoroughly patrolling this province with the troops of this command, and that everything is now tranquil, and the people apparently contented and resuming former conditions, yet there is strong undercurrent of bad spirit and preparations for revolt. There are not sufficient troops in this province for the work now being done. In view of approaching rainy season, when communication will be slow and difficult, a greater number of subposts will be necessary to be established, and the need for more troops will be most urgent. I most respectfully repeat my request that Captain Davies's company of this battalion, Thirty-fourth Infantry, together with all the absent men of Companies F, G, and H, be ordered here for duty as soon as possible. (Signed) Howze, commanding." Approved.

YOUNG, Brigadier-General.

VIGAN, March 19, 1900.

CHIEF OF STAFF, Manila:

Following just received: "Yesterday March made a concerted movement from Candon on barrio Ambayado, in mountains between Salcedo and Lingai, while from Angaki with 30 men, and Jenkinsen from Candon with 45, closed in on both sides; picked up an insurgent lieutenant and 1 rifle. The usual report of large force there, said to have been 300 men, did not materialize. Are prisoners to be treated as prisoners of war or bandits? No casualties. Power, with mounted detachment 24 men, has been scouting the country around Tagudin without finding anything. Returning yesterday afternoon, he ran into a band of them near where the telegraph line was cut several days ago near Santa Cruz. He estimates their number as 60, from amount of fire and empty shells found. Had a fight lasting some time, during which he had 1 man wounded, Corporal Walter Trahern, Company E, leg, severe. He lost 3 native ponies, killed. He ended the fight by charging the enemy and driving them out behind their shelter and scattering them. Found 1 dead body, 3 hats with bullet holes in them and blood and brains inside, and saw others drop. Three prisoners. (Signed) Hare, commanding." Am expecting report from Howze of concerted movement of four columns on enemy in mountains between Badoc and Banna, where information placed Tinio and Aglipay with 400 men.

YOUNG, Brigadier-General.

VIGAN, March 19, 1900.

CHIEF OF STAFF, Manila:

Following just received from Laoag: "The patrols ran into a small band of insurgents yesterday, some with rifles. Killed 4 and captured 19. Day before yesterday captured 23 with 2 rifles—the main band scattered in every direction. They had a few rifles, including the Krags probably lost by Scott's detachment. Will give them another shooting up in a few days. (Signed) Howze, commanding."

YOUNG, Brigadier-General.

VIGAN, March 22, 1900.

CHIEF OF STAFF, Manila:

Following just received: "Laoag, March 22, 1900.—Request that two troops or companies be sent to this province for duty and station for the following reasons: The territory is so large and mountainous it is impossible to give the pueblos proper attention or properly reconnoiter the country with the troops of my command, and the organizations are constantly on the march, and hard work beginning to tell on the men. The influence of Father Aglipay continues unabated, and he has now appealed to the Catholic faith of the natives, calling upon them to defend Catholicity against American religion. He has been banding the men and forcing them to serve him. He is making a great struggle, which must be met. Respectfully request that this matter be given your first attention. (Signed) Howze, commanding."

Howze has done splendid work but the strain is too great on his men. If it is now possible for MacArthur to spare the other company of Penn's battalion, I urge that it be sent at once. We must use every energy to settle, if possible, this trouble before the rainy season begins. I need 50 additional pack mules, 20 each at Laoag

and San Fernando, and 10 at Vigan. A greater number would facilitate matters, but I will try to do with the additional number asked for.

Following just received from Laoag: "Regret to inform you that the president of Pasuquin was taken off yesterday morning and killed by a band of about 20 ladrones. Have two detachments after them. Hope to kill the whole band, but difficult to find. (Signed) Howze, commanding."

YOUNG, *Brigadier-General.*

MANILA, *March 23, 1900.*

General Young, *Vigan:*

General MacArthur can not spare troops. Generals Garcia, Pilar, Mascardo, Alejandrino, with guerrilla bands active within his command. Second Battalion Forty-eighth leaves for San Fernando to-day, and Third Battalion will follow as soon as conditions in this section and southern provinces permit. Are Castner's scouts efficient, and would it be policy to numerically increase that organization? Mules will be sent you as soon as received; 500 expected daily.

BARBER, *Adjutant-General.*

VIGAN, *March 24, 1900.*

ADJUTANT-GENERAL, *Palace:*

The native scouts, Castner's, now under Captain Green, are highly effective, and I request authority to increase the number to 250; the increase to be composed of Ilocanos. One additional troop of cavalry left this morning for duty in Howze's territory, and I propose to send a detachment native scouts, if the increase be allowed.

YOUNG, *Brigadier-General.*

SAN FERNANDO DE UNION, *March 29, 1900.*

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC, *Manila:*

Lieutenant Johnson, Third Cavalry, with Troop M, assisted and guided by a native, _____, with 300 friendly inhabitants, captured 25 Remington rifles and ammunition east of Cava, in the mountains between San Fernando and Aringay, on 27th. This native, _____, has performed most loyal and excellent service during the past month. I have authorized his employment as chief detective under Colonel Duvall. As his followers are armed principally with clubs and bolos, I have directed Colonel Duvall to select 25 of the most intelligent followers and arm them with the captured rifles for a campaign that is now being inaugurated in this section for the breaking and destruction of the Katipunan society. Information from different sources is that Tinio, Luna, Macabulos, Aglipay, and officers of lesser note are making strong efforts to reorganize and concentrate sufficient forces to attack subposts in detail. Colonel Duvall has taken hold to my entire satisfaction. I am very anxious to have the Third Battalion of his regiment as soon as possible. With it and the additional pack mules it is possible to clean this country up before or soon after commencement of rainy season. I leave for Vigan in the *Samar* at 11.30 to-day.

YOUNG.

VIGAN, *April 2, 1900.*

ADJUTANT-GENERAL, DEPARTMENT OF THE PACIFIC,

Palace:

Duvall reports from San Fernando that 12 rifles were brought in 31st ultimo, making 49 in two weeks.

YOUNG, *Brigadier-General.*

VIGAN, *April 3, 1900.*

ADJUTANT-GENERAL, EIGHTH ARMY CORPS:

Following just received from San Fernando: "Captain Buck reports detachment 20 men of Company L, under Lieutenant White, answered call for help against party of robbers at Taboank, Benguet, April 1. Results: One Mauser, 2 Remingtons, and 150 rounds of ammunition captured, and whole party, 5 in number, killed. No casualties for us. (Signed.) Lovell, Commanding."

YOUNG, *Brigadier-General.*

VIGAN, April 4, 1900.

ADJUTANT-GENERAL, DEPARTMENT OF THE PACIFIC,

Palace:

Duval reports from San Fernando, April 3, that in answer to report sent by vice-president of San Juan that police and natives had insurrectos surrounded in a church, he sent troop of cavalry; found natives had tied Capt. Fortunato Caerlan and others of insurrecto company at San Fernando, and that two had gotten away. While returning to San Fernando Caerlan slipped off ropes, and trying to escape was killed by the guard. Caerlan had in his possession a cedula exactly tallying with his own description, but made out for another man residing in Pangasinan. Duval also reports 2 ladrones captured at San Rosario, and 10 insurgents, including Lieut. Teodoro Collas, captured in barrio Macabat, 3 miles east of Aringay; also 7 Remingtons and 242 rounds of ammunition, 10 bolos and 34 fraudoras. Eight Remingtons brought into San Fernando by native assistance. Duval is doing excellent work.

YOUNG, *Brigadier-General*.

VIGAN, April 14, 1900.

ADJUTANT-GENERAL, *Palace:*

The following information is from my most reliable source: Aguinaldo in province of Cagayan. Tinio in Ilocos Sur. Padre Aglipay died from wounds in Ilocos Norte. Various other officers about Tagulin, Bangar, and Baloang. I still doubt death of the priest. My commanders are all advised. Eight Remington rifles and one Mauser carbine were surrendered to native auxiliary at Cava yesterday by insurgent soldiers previously paroled.

YOUNG, *Brigadier-General*.

MANILA, P. I., April 14, 1900.

General YOUNG, *Vigan:*

Information obtained here ten days since that Aguinaldo in province of Cagayan. He has with him some 500 armed men scattered through mountains from Malaueg south through small villages for probably 30 miles. The information conveyed by you in to-day's telegram appears to agree with that report.

BARBER, *Adjutant-General*.

VIGAN, April 16, 1900.

ADJUTANT-GENERAL, *Bautista.*

Following just received from San Fernando de Union: "Thomason returned here to-day with detachment 13 men after six days' scout in Benguet. Chased Captain Fontenilla's company from Galiano to Capangan, where he struck them, and then to a point nearly two days' march east of Capangan, to a barrio called Odong, where they dispersed into the mountains. Killed 6 insurrectos and brought in 8 rifles and small amount of ammunition, also Colonel Guterrez's horse and pistol captured in Capangan. Thomason had no casualties. His original party, 54 men and Lieutenant Chisholm and 100 friendly natives divided at Bayabas, sending Chisholm via Sablang, intending to join at Capangan, but Chisholm did not make it in time. Rest of detachment has returned to Aringay. As result of harrying two days' running fight, Fontenilla sent word that if permitted to return to Tubao and resume work, he would surrender 87 rifles, 130 men and 4 officers, besides himself. One of these officers is Naimo Genova, who has given much trouble. As Thomason knew that Fontenilla was presidente, he would not grant the terms, but promised that if superior authority did not grant them, he would return him and his company to the place of conference, but the captain was mistrustful. As General Orders 40 allow his dismissal from office by district commander, I respectfully recommend that his offer be accepted, and that neither he nor his followers be tried if he fulfills the contract to deliver. The lesson they have just had will be ample to keep them straight. Duval, commanding."

I have instructed Duval that the surrender can only be accepted unconditionally, otherwise troops must pursue, kill, and destroy.

YOUNG, *Brigadier-General*.

VIGAN, April 18, 1900.

ADJUTANT-GENERAL, *Pulac*:

During 15th, 16th, and 17th instant we have killed 333 of Aglipay's religious fanatics in Ilocos Norte, slain verified by commissioned officers. Aglipay forced the fighting at Batac from daylight till dark on 16th. Thayer with ammunition and 25 troopers arrived from north at 3 p. m. Heidt with 40 troopers arrived from south at 5.30 p. m. Our loss, 2 killed, and 4 wounded. There was some hand-to-hand work, bayonets versus bolos. Our officers and men magnificent.

YOUNG, *Brigadier-General*.

The foregoing copies of telegrams, selected from many which passed, indicate sufficiently the nature and difficulties of this northern campaign which General Young conducted. While driving the force with Aguinaldo to the northeastward, he hastened up the coast to liberate the Spanish and American prisoners who had been sent by the enemy into that region during several preceding months, where they were retained under Tagalo supervision. His troops liberated more than 3,000 of them, following relentlessly all armed bodies and detachments by which they were guarded. The importance which the insurgents attached to the retention of them may be understood from the captured instructions sent to one of their chief officers on November 15 from Tarlac, which are as follows:

Will not go to Manila. Otis did not accept our proposition. To-day enemy attacked our outposts, because Otis promised McKinley to take Tarlac to-day. Think they can not break through. Take care of our prisoners, for therein lies our great hope. Spanish commissioners try to deceive us, dealing with us as insurgents. Our government sent them away and they withdrew greatly displeased. The quadruple alliance between France, Russia, Germany, and Spain is a fact. Before December we will know our fate. Throughout Europe there is sympathy for our cause. American Democrats already in our favor. They are sure of Bryan's triumph next election.

The secure holding of the imprisoned friars was likewise deemed most important. Three hundred of them were collected in the Benguet and Abra provinces and in the valley of the Cagayan, and through them the insurgents expected to extort favorable action from the Roman Catholic Church authorities. The loss of all these prisoners at this time was a great blow to the aspirations and expectations of Aguinaldo and his adherents, for they had for several months been conducting negotiations with Spain having in view a general release, but their demands were exorbitant, extending to the official recognition of their so-called government and the payment of a very large sum of money. To these negotiations allusion is made in the statement contained in the above-cited telegram that "Spanish commissioners try to deceive us, etc."

A review of the telegraphic dispatches which we have presented shows that the difficulties experienced by General Young's troops increased greatly after they entered these northwestern provinces, because of the efforts of the Tagalo chiefs to incite the inhabitants to active hostility by every possible artifice, appealing to their creed, superstitions and race prejudices, and by ruthlessly enforcing the demands which they made upon them through robbery and murder. The dispatches show that our men were gladly received by the mass of the people upon entering the provinces, that later, a portion of the people under insurgent impressment contributed in men and money to drive the Americans out, and finally that the great majority, gaining

confidence, united with our troops to destroy the Tagalos and the robber bands which they directed. It was found necessary to gradually increase General Young's force as the efforts of the enemy increased. He had with him originally the Third Cavalry, the Thirty-third and three companies of the Thirty-fourth Infantry, and there were sent to him an additional 15 companies of infantry and a battalion of native scouts, which was increased in numbers to 250.

Our cursory review of these operations extends over a period of five months, or from the middle of November to April 18, whereas we covered a recital of affairs in the Cagayan Valley and in other portions of Luzon north of Manila to December 16 only. Nor have we mentioned the attempts put forth to establish civil government and to open the coast ports to trade in any of the provinces of the island of which we had taken possession during the fall and winter, and which were initiated in northwestern Luzon as early as December 22. We leave these civil matters for future consideration, intending now to bring forward military operations in the Cagayan country to a recent date, thereafter to recount the various incidents of the campaign in southern Luzon, which commenced in January, and those which attended the active employment of our troops in the Visayas under the supervision of Brigadier-General Hughes, which began early in November and continued through several successive months.

Tirona, the insurgent general, surrendered the provinces of the Cagayan Valley to Captain McCalla of the Navy on the 11th of December while Batchelor's battalion of the Twenty-fourth Infantry and Castner's native scouts were descending the river. That battalion was to be brought to Dagupan by sea, thence to proceed to join its regiment in the Nueva Ecija province, and it was necessary to send troops to Aparri to relieve it and to police the country to the northward as far as Bayonbong, where Baldwin's battalion of the Twenty-second Infantry was retained. The little opposition encountered by the Twenty-fourth Infantry battalion indicated that a small force would prove sufficient for the purpose, and the Sixteenth Infantry was detailed for that duty in orders of which the following is a copy:

GENERAL ORDERS, }
No. 69. }

OFFICE U. S. MILITARY GOVERNOR IN THE
PHILIPPINE ISLANDS,
Manila, P. I., December 21, 1899.

I. The Sixteenth United States Infantry, Col. Charles C. Hood, commanding, will proceed by such water transportation as the quartermaster's department may be able to furnish to Aparri, Luzon, as soon as practicable. Upon arrival thereat, Colonel Hood will station troops of his regiment at Aparri and Tuguegarao, in the province of Cagayan; Ilagan, in the province of Isabela, and at Bagabad or Bayonbong or Bambang, in the province of Nueva Vizcaya, whichever of the three last-mentioned towns offers the best facilities for the supply of troops and for the protection of the inhabitants of that section of country.

The headquarters and one battalion of the regiment will take station at Aparri, one battalion at Tuguegarao and Ilagan, and the remaining troops to the south of the same on the line above indicated.

Colonel Hood is hereby appointed military governor of the provinces of Cagayan, Isabela, and Nueva Vizcaya. He will establish civil government in the towns within his command, after the course pursued by him in the province of Bulacan along the railway line which his regiment recently occupied. He will receive from the present civil governor, General Tirona, at Aparri, who was temporarily continued in office by the United States authorities after the late surrender by him of the provinces indicated, all records and public property pertaining thereto, and will establish, through the appointment of officers of his command and necessary details, the customs and internal revenue offices demanded for the execution of public civil administration. These offices will be conducted as prescribed by general orders issued

from this office and the specific instructions prepared by the customs and internal revenue offices at Manila. Correspondence upon all matters of civil administration will be conducted with the secretary to the military governor. Further instructions will be communicated to Colonel Hood, for his guidance before his departure, by the military governor.

The regiment upon sailing will be supplied with 50,000 rations in bulk, besides 15 rations per man from date of sailing; also 250,000 rounds of ammunition, and the quartermaster's transportation which may hereafter be determined upon. Coasting vessels will be dispatched as soon as secured and laden.

These orders preceded by a single day the appointment of General Young as military governor of all provinces of northern Luzon west of those of Cagayan, Isabela, and Nueva Vizcaya, to wit: Abra, Bontoc, Benguet, Lepanto, Ilocos (north and south), and Union, with headquarters at Vigan.

The Sixteenth Infantry sailed for Aparri as directed, and upon arrival there two of its battalions proceeded up the Rio Grande de Cagayan for distribution at the most important centers of population, which they occupied. Affairs progressed favorably until March 1, when active hostilities were incited by the Tagalos, whom General Tirona had surrendered and who remained in the country, and by others who had crossed in small detachments from over the western mountain districts of Isabela and the Nueva Vizcaya provinces. A number of the inhabitants were robbed and a few murdered. Minor engagements resulted, the most severe of which occurred west of Aparri near Linao, occasioned by insurgent troops who probably had made their way to that point, where they intrenched, by the north coast road and where they had been joined by the disaffected in the vicinity. The Aparri troops were sent to drive them out, and in the operations which ensued suffered the loss of an officer and several men killed and wounded. On March 5 Colonel Hood called for additional troops, when headquarters and two battalions of the Forty-ninth Infantry were promptly sent. These were distributed in the upper country and soon restored safety and the resumption of active business within its borders. Considerable labor attended the supplying of these detachments, and we were obliged finally to look to the route northward over the Caraballo pass by which to transport by pack and wheel the supplies required in the Bayonbong district. Those needed for all other stations were drawn from Aparri as a base.

Upon the return of General Lawton and staff to Manila on December 16 the province of Bulacan reverted to General MacArthur's control. The operations of his troops under Generals Bell and Grant in the provinces of Zambales and Bataan, to which the bulk of Aguinaldo's railroad force had retired, and likewise all important military movements to the eastward of the Rio Grande River, have been herein reported to date of December 12. The withdrawal soon after of General Wheaton and staff from the Tayug line to Manila placed all portions of Luzon north of Caloocan and south of the districts of Generals Young and Hood under General MacArthur's supervision. General Grant had marched through the Bataan province and with Navy assistance had taken possession of Olongapo and Subig, on the shore of Subig Bay. He was preparing to march up the coast and communicate with the column, which had shortly before passed from Bamban on the railroad, through O'Donnell, directly westward for Iba. Large captures of insurgent military stores had been made by General Bell in northern Zambales, and the remnants of the dispersed

insurgent army had been driven back into the mountains. On December 14 and 15 the following telegraphic correspondence passed:

BAUTISTA, *December 14, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

The primary purpose of combined movements in Bataan and Zambales has been accomplished by union of Iba and Subig columns at Subig, with a view to permanent control and pacification of Bataan and Zambales. I recommend occupation for the present of Orani, Subig, Iba, and Santa Cruz by troops of Thirty-second and Twenty-fifth, now with General Grant. Third Infantry detachment now with him to return as soon as possible, so that the battalion to which it belongs may go to the railroad in pursuance of your orders of yesterday. If recommendation is approved, please direct General Grant to locate the Thirty-second at Orani and Subig, the strength of each garrison to be determined by him, and to send the Twenty-fifth to Iba, with directions to place 100 men at Santa Cruz. This programme would of course require some arrangements for supply of garrisons by water, and it would also be well to initiate some action immediately looking to the telegraphic connection of the garrisons mentioned with the line now operating between Angeles and Dinalupihan. I now occupy O'Donnell, Moriones, San Ignacio, and Mangatarem, and propose as soon as I can arrange for supply, which is difficult on account of impassable roads, to occupy Camiling and San Clemente. If Subig, Iba, and Santa Cruz are occupied on the coast in connection with the towns occupied on the west side of the divide, agitators will be confined to the mountains, where they can not subsist in numbers for any great length of time. The towns mentioned on east side of range have in all previous revolutions been rendezvous for conspirators, and bases from which armed bands have conducted extensive depredations on the surrounding country. Permanent occupation, therefore, of these places, and also principal points on the seacoast, will give us control of all resources and possibly effectually solve the military problem west of the railroad and north of San Fernando.

MACARTHUR.

MANILA, *December 14, 1899.*

General MACARTHUR, *Bautista:*

Grant is on steamer *Mactan* near Subig. His troops at and in vicinity of Subig. He is fully supplied for nearly ten days. Your instructions are approved, and will be conveyed to him by steamer *Carmen*, which will take troops to Iba for him. His transportation is still at Dinalupihan. Most of it might be brought here. If telegraphic communication is extended it should follow coast northerly from Subig, as line there now nearly intact. Reply at once with such further instructions as you wish Grant to have. Boat will be sent over to Subig to-morrow.

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 14, 1899.*

General SCHWAN,

Chief of Staff, The Palace, Manila:

Please call for long message from General Grant, dated Subig, 14th instant, and read the same in connection with my message of this morning, in continuation of which I now further recommend that General Grant be authorized to carry out minor operations suggested in his message of 14th, and that he be directed, upon completion of such minor operations, to dispose of his troops as directed in my message of this morning. * * *

MACARTHUR.

MANILA, *December 15, 1899.*

Brig. Gen. FRED. D. GRANT, U. S. V.,

Commanding Field Column, Subig, Zambales Province.

GENERAL: At the request of the commanding general, Second Division, the following instructions are communicated to you for your guidance: "The transport *Mactan* will be sent to Manila with all troops of the Third Infantry which are now with your column. You will then occupy Orani, Subig, Iba, and Santa Cruz (last place north of Iba), on western coast of island, with all your remaining troops. The troops

intended for Orani may be conveyed there by the *Maetan*. Your wagon transportation, all of which is understood to be at Dinalupihan, will be disposed of under the direction of the division commander. The Thirty-second should be sufficiently strong to garrison Orani and Subig, as the Navy has 100 men at Olongapo at the present time and intends to leave them there. The battalion of the Twenty-fifth Infantry will be taken on board the transport *Carmen*, to be sent out to-day, and after leaving the necessary force at Iba the remainder of the battalion will march on the shore road or proceed by boat to Santa Cruz, there taking station. The manner of the occupation of the towns of Orani, Iba, and Santa Cruz, and the execution of the movements connected therewith, will be left to your discretion. Thereafter you are authorized to undertake such expeditions against insurgents, outlaws, and robbers, and against places held by them, as the location and strength of your troops warrant, and as you may deem necessary and expedient. Six thousand additional rations will be sent to you, and with those now on the *Maetan* the battalion of the Thirty-second Infantry will be rationed until the end of the month, the remaining rations to be taken to Iba and Santa Cruz on the transport *Carmen*. The *Carmen* will then be sent back to Manila with full report of operations and such requests for supplies as you may require. It might be well to keep a detachment from the Orani garrison at Dinalupihan to watch well the roads north and west of that point." A copy of this letter has been furnished the commanding general, Second Division.

Very respectfully,

THEO. SCHWAN,
Brigadier-General Volunteers, Chief of Staff.

P. S.—Herewith inclosed are copies of telegrams from the commanding general, Second Division, upon which above instructions are for the most part based.

The foregoing instructions were carried out, and after the requisite garrisons had been placed, General Grant returned to his headquarters on the Manila and Dagupan Railway.

About this time a strange fanaticism, supposed to be religious in character, prevailed quite extensively and produced a good deal of excitement among the inhabitants of central Luzon. Self-declared prophets were revealing and proclaiming new creeds which were quite markedly variable in origin and nature, and were collecting converts in Bulacan, Pampanga, and Pangasinan. In a secluded spot a few miles from Calumpit, a sect numbering several hundred had located itself and erected several nipa buildings where it practiced its rites and incantations. It was dispersed by our troops and its chief prophet sent to Manila. He proved to be an individual who earlier had set up an establishment in that city from which he was taken by the police and sent to prison, where he was kept in confinement several months for his illegal money exactions from the more ignorant natives. Educated Filipinos had some time previous given us warning of the existence and increase of these fanatical sects in Luzon, and conveyed their apprehensions that we might experience difficulty in handling them if they were permitted to follow their inclinations. On December 17 General MacArthur telegraphed from Bautista the following:

Cabaruan is a village located some 8 miles directly east of Malasiqui, which is a railroad station a short distance south of Dagupan. Its normal population is about five hundred. It has been selected as the rendezvous of a fanatical religious organization of some kind and people from surrounding towns and barrios forced to assemble there. To-day there are more than ten thousand people there, nearly all of them under duress. The fanatics are also robbers and murderers, and have recently committed the most cruel depredations on surrounding towns, especially Malasiqui, where nine murders have been committed within the last few weeks. This morning about 3 a. m. the place was surrounded by Companies Band E, Seventeenth Infantry, under command of Captain Wren, Lieutenant Humphreys, Lieutenant Brushfield, and Lieutenant Thomas. Resistance was encountered at outpost; troops advanced and captured the place. Three robbers were killed, five wounded, and thirteen guns captured, and it is expected that a larger number will be surrendered before morning. Lieutenant Brushfield was slightly wounded in right arm below elbow. Colonel Smith was on the ground and supervised the movement in his usual efficient

manner. The thousands of people there under duress have been ordered home, and in a few days it is hoped that the excitement that has kept this part of Pangasinan in an uproar since our arrival here will subside. I shall keep two companies at Caba-ruan for the present to insure the safety of the people now there, and prevent robbers from utilizing the old rendezvous from which to continue their depredations. Precisely how the religious and robber elements are combined I have not yet been able to ascertain, but it is a fact that people by the thousands have been driven into this place and treated with the most wanton cruelty. Colonel Smith saw nine women and several children who had been tortured by bolo cuts inflicted on all parts of their bodies. It is also a fact that this part of Pangasinan has been terrorized by these people—the large town of Malasiqui being almost entirely depopulated in consequence of their depredations. I have now in confinement in different places between here and Dagupan six or seven desperate criminals connected with this robber organization, some or all of whom can be convicted of murder if quick trial could be had by military commission in this vicinity. In case of conviction I think most of the robber difficulties in this part of Pangasinan will be terminated. The importance of this day's work in this matter can not be overestimated, and Colonel Smith and the officers engaged are entitled to very great credit. Some of the troops employed had to make a night march of over 20 miles in order to get into position.

The prompt action taken in Bulacan and Pangasinan scattered these gatherings and they gave little further annoyance, although the later disturbances in the southern part of General Young's district were attributed to the interference of the Pangasinan fanatics who had been driven northward. It is difficult to account for the origin and rapid growth of these various sects during the preceding year, whether viewed as an incident of war which had disturbed the peace of the inhabitants and kept them in a continued excited state, or as a reaction from the strictly enforced observances of ancient church ceremonials which the Spanish clergy had imposed upon them, and resulting largely from their hostility to the members of the religious orders by whom they had been taught; in an indifference for those teachings; or whether, deprived of their religious instructors, they were relapsing into former superstitions and beliefs which were modified to a great extent by the mental improvement they had experienced under the Spanish régime. Whatever the cause, the fact disturbed the Roman Catholic clergy and was the subject of much animated discussion.

During the remainder of December and the month of January General MacArthur was engaged in reorganizing and redistributing the troops of his command within the extended field of operations lately assigned him. His troops were very actively engaged in pursuing the remnants of Aguinaldo's northern army and the self-constituted guerrilla bands, also in giving all possible protection to the inhabitants of towns and cities against the incursions of ladrones, who plundered them without mercy, adding torture and murder when their extortionate demands were not promptly complied with. The wealthy inhabitants, those possessed of estates, were in a precarious condition. The scattered insurgent forces, which still retained some form of organization, called upon them for contributions to the insurgent cause, promising upon compliance to protect them from the cruelties of the robber bands. They demanded of the city authorities, appointed by our own officers, the imposition and collection of taxes and the sale of insurgent cedulas for insurgent uses, on penalty of confiscation or destruction of private property.

The presidente of one of the cities, wealthy in landed estates, was reported to be contributing to a leading insurgent officer who was still engaged in active hostilities. Upon investigation, his friends, who were trusted men, asserted that he could not do otherwise; that he was

very anxious for the success of the American arms and the peace of the country, and was doing all he could to effect it, but that he was under painful duress and obliged to contribute of his means upon insurgent demand in order to retain any portion of his property. Thus, as was ascertained, many citizens of friendly intent were situated. It only remained to pursue effectually and to destruction all remaining insurgent organizations and bands of ladrones to insure the pacification of the country, and this policy was pursued with very satisfactory results.

We quote from a number of telegrams received and sent out during this period:

BAUTISTA, *December 23, 1899.*

General SCHWAN, *Chief of Staff, Palace:*

On the 21st instant, in the vicinity of Alaminos, General Bell's column marching northward encountered body of 150 insurgents, which he attacked and scattered, killing 8, wounding 4, capturing 16 insurgents and 20 rifles, 1,200 rounds ammunition, and some saltpeter and lead. Lieutenant Read, Thirty-sixth Infantry, was wounded right thigh, moderate; no other casualties.

MACARTHUR.

HEADQUARTERS THIRTY-FOURTH INFANTRY,
San José, Ecija Province, December 25, 1899.

CHIEF OF STAFF, *Manila:*

Telegram even date received. Everything very quiet here. One company is detached following band of insurgents in mountains north of Puncan. On the 18th, at Capitala, drove insurgents from that point, capturing many effects of Aguinaldo, two American naval flags, and important documents. These will be forwarded at first opportunity to Manila. Another detachment is repairing roads from Puncan to Carranglan. Road made passable for carts as far as Puncan.

Courier just in from Captain Dame reports that latter struck band of insurgents near Aritao at 6.30 p. m. December 23, inflicting loss of 2 killed, 5 wounded, and 8 captured; also 6 Remington rifles, 1 Mauser, and 600 rounds of ammunition. He is following them up. The force defeated is part of that recently routed in the north. Prisoners state that Aguinaldo was moving south and that all forces were headed south.

KENNON, *Commanding.*

BAUTISTA, *December 25, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

Captain Comfort, with Company D, Thirty-second Infantry, encountered enemy yesterday morning in mountains 10 miles northwest of Dinalupihan, Bataan Province; wounded 4 and had 1 man wounded. Major Spence, with 100 men, left Orani last night and Dinalupihan this morning, to look for Comfort. Failed to find him, but found a corral containing 100 cattle and 25 ponies, which are now being brought into Orani.

MACARTHUR.

MANILA, *December 26, 1899.*

General MACARTHUR, *Bautista:*

Following telegram from Colonel Kennon, dated San Jose, December 26, is repeated for your information: "Chief of Staff, Manila: Reports, variously confirmed, state that Aguinaldo is making south, with few men, to Cuyapo and San Juan de Guimba, and that he is hiding in the hills near Cuyapo. (Signed) Kennon, Colonel."

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 26, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

Referring to your message of the 22d instant directing that Macabebe scouts at Calumpit be used to drive out insurgents in vicinity of Hagonoy and south and west thereof, immediate movement was made under three officers detailed by Colonel Page, and following report is received to-day from Lieutenant Moore, commanding detachment: "Just returned. Covered country both sides Rio Grande as far south as Marilao, also swamps. Made thorough search of houses in Hagonoy. Found 1 Mauser; no signs of insurgents. Country quiet. People report only small parties of ladrones."

MACARTHUR.

MANILA, *December 27, 1899.*

General MACARTHUR, *Bautista:*

Arrest, if possible, Maximino Paterno, now in San Miguel de Camiling, Tarlac; also Hugo Ilagan, reported in Manacag, Pangasinan. Brigadier-General Funston and personal staff ordered to report to you for duty. Will probably go to Bautista to-morrow.

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 27, 1899.*

General SCHWAN, *Chief of Staff:*

Lieut. Bissel Thomas, Twenty-fifth Infantry, provost-marshal at Baliuag, located a band of insurgents through his secret service. Colonel Plummer sent Captain Tanner, Thirty-fifth Infantry, early this morning, with 25 men, to a barrio about 5 miles northwest of Baliuag, where Tanner captured 1 major, 1 captain, 47 privates, 14 rifles, 1 sack of ammunition, and \$14.60 Mexican, admitted to be insurgent money. Party admitted having fired on our outposts last night. Considering the infested condition of the district around Baliuag, I recommend that this entire party be sent to Manila for confinement until the country in the neighborhood is cleared out and pacified.

MACARTHUR.

SAN JOSE, NUEVA ECLJA, *December 28, 1899.*

CHIEF OF STAFF, *Manila:*

Prisoner brought in to-day states that he saw Aguinaldo in mountains two weeks ago Saturday, and that his design was to get to the south line. Only two ways now open to him, one by way of San Nicolás, the other by way of Carranglan pass.

KENNON, *Colonel.*

BAUTISTA, *December 29, 1899.*

General SCHWAN, *Malacanan:*

A very thorough exploration has been made of Lubao and Sexmoan; nothing suspicious developed. A Spaniard and a Frenchman living in Lubao both state that, with the exception of individuals who occasionally come for supplies, there have been no insurgents in Lubao since October. It is my intention to occupy Lubao permanently immediately upon the return of Baldwin's battalion Twenty-second Infantry. The Frenchman and Spaniard above referred to report insurgents in barrios near road between Florida Blanca and Dinalupihan and in the mountains west of Florida Blanca. General Grant has given orders to have explorations made to the barrios mentioned.

MACARTHUR.

MANILA, *December 29, 1899.*

General MACARTHUR, *Bautista:*

Following message from these headquarters just sent to Colonel Kennon, San Jose, is repeated for your information: "You are authorized to arrange as proposed in your telegram for withdrawal of Baldwin's battalion from Bayonbong, for its tempo-

rary replacement there, and the occupation of Carranglan by troops under your immediate command. On arrival at San Jose, Baldwin will report to the commanding general, Second Division, for assignment to station."

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 29, 1899.*

General SCHWAN, *Manila:*

Colonel Keller from Cabanatuan reports that a signal sergeant with 5 men as an escort came in contact with armed body of insurgents reported to be 200 strong and supposed to be making for mountains southeast. Signal sergeant and 1 man got in; other men missing. Keller has sent a company to Talavera and another company to Bongabong.

MACARTHUR.

BAUTISTA, *December 30, 1899.*

General SCHWAN, *Manila:*

Referring to my 8.55 message of December 29, transmitting information from Colonel Keller at Cabanatuan, I have further to report that Colonel Keller went with a company to Bongabong, and now reports from a point considerably north of that place on the left bank of the river that he is in contact with a considerable force of insurgents which he can not get at as the river is impassible and no material in vicinity for making a raft. Keller has sent in to Cabanatuan for another company, rations, and ammunition. He has had 2 men slightly wounded and is unable to state what the enemy's loss may be. I have directed commanding officer San Isidro to be prepared to support Cabanatuan, to send forward a company if called for, and even two if necessary, drawing from his subposts as well as the troops in San Isidro for the purpose. I have also advised Colonel Kennon of the situation, and asked him, if possible, to get a command across country and to approach insurgents' position in the rear. What the natural obstructions are, I don't know. As far as distance is concerned, the movement is entirely practicable, as the insurgent position is reported to be only 12 miles distant.

MACARTHUR.

MANILA, *December 31, 1899.*

General MACARTHUR, *Bautista:*

Send, under proper guard, Gracio Consaga, former chief justice of insurgent supreme court, to Manila. Wire probable time of his arrival here to the provost-marshal-general, who will send officer to the railway station to receive him.

SCHWAN, *Chief of Staff.*

MANILA, *December 31, 1899.*

General MACARTHUR, *Bautista:*

Commanding general does not deem it advisable to withdraw troops from Norzagaray, which is regarded as an important point, recent operations near Montalbon having developed large bands of insurgents in mountains. Santa Maria should be taken care of by detachments from troops guarding railway.

SCHWAN, *Chief of Staff.*

BAUTISTA, *December 31, 1899.*

General SCHWAN, *Chief of Staff:*

The following is reported by Lieutenant Coleman at San Jose: "Nine insurgents surrendered to-day with 5 Mausers, together with 250 rounds of ammunition. They are a part of insurgent force from the mountains which have been pursued continually by Captain Dame of this command. They report that they were cut off from their command at Aritao, and being hard pressed came and surrendered."

MACARTHUR.

BAUTISTA, *January 1, 1900.*

General SCHWAN, *Manila:*

The old Spanish telegraph line from Dagupan to Alaminos is somewhat damaged, but can be easily repaired. From Alaminos south, by Dasol and Santa Cruz to Iba, the poles and wires are all in place. From Iba to Subig the line is in place or easily repaired. My purpose, therefore, is to give General Bell General Wheaton's old line from Tayug, by way of San Fabian to Dagupan, and from thence to fill in with the Thirty-sixth Infantry, so as to open the wire to San Cruz, Iba, and Subig. I shall then give Bell all the troops in Zambales, to include Subig, and would like to add thereto the other companies of the Twenty-fifth, as recommended a few days ago. This line, although somewhat extended, will be entirely homogeneous, as it will be connected from Tayug to Subig by wire, and in the hands of an active man like Bell is bound to result in efficient service. The release of the company of the Thirty-second now at Subig, and the early concentration of a large part of that regiment in the Guagua and Orani country will enable me to gradually extend south through Balanga and Pilar to Mariveles, and thus take permanent control of all Bataan.

MACARTHUR.

MANILA, *January 1, 1900.*

General MACARTHUR, *Bautista:*

Your proposed arrangement for consolidation of troops lately under Wheaton with others which are to be extended into northern Zambales, and to place General Bell in command, is approved. Kennon left San Jose December 30, with two companies for Bongabong, to reinforce Keller. No later information concerning him. Companies of Twenty-seventh and Forty-fifth will have to be withdrawn from railroad in any event.

SCHWAN, *Chief of Staff.*

BAUTISTA, *January 2, 1900.*

General SCHWAN, *Manila:*

Following just received from Colonel Keller, dated Bongabong, December 31, 1899: "Effected crossing of river early on morning of the 30th, and on reaching trenches of the enemy found them deserted. Advanced toward Bongabong, which is some 2 miles upstream on main river. Found no enemy; reported to have left early on 30th, marching toward Santor. Followed up, but found no trace. From best information, Colonel Pillado with 100 men has been in this locality for some time. Made scouts to-day trying to locate enemy, but without success. Company C, Twenty-fourth Infantry, arrived this morning. Colonel Kennon with two companies also arrived and left for Carranglan. Received dispatch as to Twenty-second Infantry, so shall scout to east on reported trail leading toward Baler from here. Arrested some 60 natives whom I am almost positive were in the trenches, as their clothing, which they were unable to change, indicated to-day. Arrested an old man caught filling Remington shells. This place is a hotbed of insurgents, who use mountains to scatter when pressed, and in my opinion should be occupied by a company. Should have an interpreter. Have four days' emergency rations. Have requested Black to send me more by pack train under escort; if possible, one day emergency—one day bacon with hardtack and coffee is a better ration. Shall release prisoners on leaving. They are fed by their families." In view of Keller's opinion about expediency of occupying Bongabong, I have authorized him to leave a company there for the present, if he can make satisfactory arrangements for supplying it.

MACARTHUR.

BAUTISTA, *January 5, 1900.*

General SCHWAN, *Manila:*

General Grant, who is at Magalang, reports as follows: "A scouting party under Captain Leonhaeuser, consisting of detachments of Companies B, K, and L, Twenty-fifth Infantry, left Magalang at 3 a. m. to-day to explore Mount Arayat. About daylight the enemy were encountered to the number of 500. They were driven off and our troops pursued them through and beyond Comanche, where insurgent barracks were located. Our casualties, 3 wounded—1 serious. Enemy's loss unknown.

Five American prisoners were retaken, all having been shot and mutilated by bolos. Two are dead, 1 will probably die, and 2 (1 of whom is a sergeant of the Twelfth Infantry) may recover. American prisoners were all from the Ninth and Twelfth. Insurgent barracks and large quantity of rice destroyed. Troops traveled over very difficult mountain trail and are worthy of all commendation. Barracks were sufficiently commodious arrangement for troops. One American prisoner says that this place was a rendezvous for 1,000 insurgents. Names of wounded will be sent to-morrow.

MACARTHUR.

BAUTISTA, *January 6, 1900.*

ADJUTANT-GENERAL, *Manila:*

Message from your office of 10.06 just received, which transmits a report from Captain Hayson, suggests punishment of insurgents in Mount Arayat, and communicates information and orders about Macabebes. I shall reply to this message to the first item only, leaving the other two items for separate messages. My recent information from Subig, Orani, and Florida Blanca has been copious and rather confusing, as the reports, if all were accepted, would indicate a larger force in that country now than at any previous time. I am satisfied, however, that there is sufficient insurgent force in that country to require careful consideration. I have given necessary orders to start Baldwin's battalion of the Twenty-second Infantry to relieve companies of the Thirty-second Infantry at Santa Ana, Mexico, and San Fernando. This will give four companies for movable column in vicinity of Florida Blanco, and I think will be sufficient to control that part of Bataan and Pampanga. * * *

Casualties on our side at Mount Arayat yesterday occurred as follows: Corporal Morgan G. Washington, Company B, Twenty-fifth Infantry, wounded arm and abdomen, since died of wounds; Private James Quartos, Company I, Twenty-fifth Infantry, both feet, severe; Private Harvey, Company K, Twenty-fifth Infantry, scalp wound, slight. General Grant reports that the five recaptured American prisoners were placed in line, made to kneel down, were fired upon twice, and then boloed. This was done at Camansi, just before our troops took the place, and General Grant remarks that it was evidently ordered by Aguina. The men recaptured were as follows: Com. Sergt. Christian Peterson, Twelfth Infantry, wounded right thigh, severe; Private Edward H. Norvell, cook Company B, Twelfth Infantry, wounded left thigh and right groin, severe; Private Joseph E. Cook, Company B, Ninth Infantry, wounded right leg and chest, severe; Private Bown, Company B, Ninth Infantry, killed; Private C. C. Cook, Company B, Ninth Infantry, killed.

MACARTHUR.

MANILA, P. I., *January 6, 1900.*

General MACARTHUR, *Bautista:*

The Macabebes arrived here from the north in detachments, some with and some without officers, much broken down. Were sent to Calumpit for concentration and to recuperate. Last detachment came this morning from the north under Colonel Wilder, who has been directed to proceed to Calumpit with them and take charge of Macabebes there. He will be ordered to report to you for instructions. Batson, who commanded them, was severely wounded. Lieutenant Boutelle, his first assistant, was killed, and others who remained knew very little concerning them. General Schwan, before going south, drew from them parts of two companies. All the remaining 600 are in the vicinity of Calumpit. It is believed Colonel Wilder will be able to affect an organization, complete rolls, and have them paid off. All officers who were with them were taken by General Schwan, are south with his column, and can not be returned at present.

BARRY, *Adjutant-General.*

BAUTISTA, *January 10, 1900.*

ADJUTANT-GENERAL:

Lieutenant Burr, Third Infantry, left Florida Blanca at 2 in the morning yesterday for Santa Rita, barrio of Lubao, southwest of Florida, to attack Patague, commanding an insurgent band of ladrones. Missed him about five minutes, but pursued toward mountains with detachment 16 men and met insurgents near Pablonaz, killing 3, wounding 10, and capturing 2 rifles. No casualties on our side. Colonel

Plummer, at Baliuag, reports small band of ladrones depredating at outlying barrios, and that his patrols are working night and day against them. Captain Prescott, with patrol from Angat, ran into a party with 3 to-day; killed 1, captured 1, with 2 rifles.

MACARTHUR.

MANILA, January 11, 1900.

General MACARTHUR, *Bautista*:

Send the personnel, field guns, and animals of Randolph's battery to Manila. Retain quartermaster's transportation now with it. Two companies Forty-first Infantry go to Angeles to-morrow, two companies to follow next day. The eight companies of the Forty-first * * * are for temporary duty, and will be withdrawn sooner or later for service in southern islands. The company Forty-sixth at Subig and two companies Twenty-ninth on railroad will soon be withdrawn. With this understanding, make such disposition of the Twenty-fifth as you think best.

BARRY, *Adjutant-General*.

BAUTISTA, January 12, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

General Ambrosio Flores, so-called secretary of war of the defunct insurgent government, established himself in the mountains in the vicinity of Humingan and commenced there the construction of a rendezvous, with a view to reassembling scattered insurgent troops. Captain Benson, with Troops E and K, Fourth Cavalry, accompanied by Major Brown and Captain Slavens of my staff, found this location and occupied the place on the 10th instant. A hundred men had been assembled, probably 20 with rifles. New barracks had been erected sufficient to accommodate 500 men. Flores was undoubtedly present himself, but escaped. Two insurgents were wounded, 12 horses captured, all the barracks and much other property was destroyed, including a ton of rice. A number of papers captured which indicate the character of the place, but are not otherwise important.

MACARTHUR.

BAUTISTA, January 17, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Captain Sullivan, with 40 men of Thirty-fourth Infantry, surprised a camp of insurgents near Muñoz, about 3 miles south of San Jose, capturing 5 Remingtons and 1 Mauser, 700 rounds ammunition, a number of ponies and carabao, saddles, and pack saddles. No casualties our side. Scouting party from Calumpit, under Lieutenant Houle, Third Infantry, captured 1 lieutenant and 25 organized insurgents, with 5 Remingtons and 1 Mauser and some ammunition, about 2 miles from Malolos to-night.

MACARTHUR.

BAUTISTA, January 17, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC,

Manila:

At Abacay yesterday Lieut. A. C. G. Williams-Foote, with 25 men of Thirty-second Infantry, struck party of insurgents, capturing a rifle, a quantity of ammunition, and a number of miscellaneous articles, among which was a naval officer's helmet marked "Wood," undoubtedly the property of Naval Cadet Wood, who was killed on the *Urdaneta*. At Florida Blanca 35 rifles were surrendered to-day to Lieutenant Burr, Third Infantry. January 15 Captain McRae, Third Infantry, at Bananba, a point in mountains 12 miles west of Mabalacat, captured the wife of Mascardo, Mascardo's horse, 3 insurgent officers, and liberated 2 Spanish prisoners. Mascardo escaped. Yesterday McRae struck party of 25 insurgents at Calang, reported as part of Hizon's command; captured 10; burned several tons of rice and a number of barracks. McRae is still on the trail, with hopes of catching up with something.

MACARTHUR.

BAUTISTA, January 18, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

The command which Lieutenant Van Horn, Seventeenth Infantry, engaged near Humingan was not ladrones, as reported, but was undoubtedly a command of insurgents making its way from Cuyapo to join the rendezvous of Flores, somewhere in

the mountains—a body of about 100 men with about 30 rifles. An enlistment paper taken from one of the dead men showed that he belonged to the “Flying Column of Guerrillas” from Cuyapo, which was organized in compliance with Article VII of the “Instructions for Guerrillas,” dated November 25, 1899. I have not yet seen a copy of these instructions. If copies have reached department headquarters I would like to have one sent here for reference. I shall send a movable column into the Cuyapo-San Juan de Guimba country to-morrow and occupy both towns permanently at a very early date.

MACARTHUR.

BAUTISTA, *January 19, 1900.*

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Scouting detachment to-day from San Miguel, at a village on road to Calumpit, found several sick insurgents, hospital records, pay rolls, uniforms, 2,500 pounds rice, 9 rifles, 2 shotguns, and some ammunition. Saw but one armed native, who got away. Uniforms and rice destroyed. Arms taken to San Miguel.

MACARTHUR.

MANILA, *January 21, 1900.*

General MACARTHUR, *Bautista:*

Your contemplated disposition of Twenty-fourth and Thirty-fourth regiments approved. Do not know when the absent battalion Thirty-fourth will reach you, but should soon. Communication should be kept up between Carranglan and the portion Sixteenth Infantry to be stationed near Bayonbong. Quite important that a column should march through to Balerasoon as practicable, and a garrison maintained at that point. It can be supplied by water.

The following for your information: “General Torres is in the country between towns Barasoain, Malolos, Hagonoy, Paombong, residence and headquarters barrio called Pasanacao, between Hagonoy and Paombong. Has two officers, one called Adriano Catmaitan, other Esiquiel, alias Pachique. First officer has 400 guns; second, 150. Katipunan firmly established in this locality and has appointed local presidente and captains of barrios, who now exercises all local jurisdiction.” It is believed that this information is correct.

BARRY, *Adjutant-General.*

BAUTISTA, *January 21, 1900.*

ADJUTANT-GENERAL DEPARTMENT PACIFIC:

First Sergeant Carson with 30 men, B Company, Thirty-fourth Infantry, struck party of enemy estimated at 50 at San Francisco, 7 miles north of San Antonio. One dead insurgent left in our hands with Remington and 2 bags of ammunition and 2 ponies. Natives in vicinity report insurgents' loss was 3 killed and 5 wounded. No casualties our side.

MACARTHUR.

BAUTISTA, *January 22, 1900.*

ADJUTANT-GENERAL DEPARTMENT PACIFIC, *Palace:*

Lieutenant Burr, with mounted detachment, captured last night, at San Pedro, a barrio in the neighborhood of Florida Blanca, 1 captain, 1 lieutenant, and 1 private. Thirty-six rifles were surrendered to Captain McRae yesterday, under the 30 pesos regulation.

MACARTHUR.

BAUTISTA, *January 23, 1900.*

ADJUTANT-GENERAL, *Palace:*

Major Bishop, Thirty-sixth Infantry, commanding at Aliminos, with a detachment of 24 men from Company D, commanded by Captain Craig, and 24 men, Company G, commanded by Captain Ickis, Corporal Allen, Company F, with a mountain Hotchkiss gun and 3 men, a detachment of 6 mounted men, and Acting Assistant Surgeon White, attacked two companies of insurgents yesterday morning at Balinaguin. He killed 9, wounded 4, and captured 10 insurgents. He also captured 6 Mauser and 10 Remington rifles, several thousand rounds of ammunition, and 2 horses, with equipments. Corporal Allen, commanding the mountain gun, seriously wounded

left side; Private Wild, Company G, moderate wound left leg; Private Loyd, Company G, severe wound in right foot. The horse with the mountain gun was also killed.

MACARTHUR.

BAUTISTA, *January 29, 1900.*

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Yesterday 6 rifles were surrendered to Captain McRae's command. Lieutenant Gillespie of Macabebe scouts captured 5 Remingtons. One robber was captured at Florida Blanca, and Lieutenant-Colonel Hizon and one other insurgent were wounded at Santiago. Lieutenant Barker, of McRae's command, struck 30 insurgents at headwaters of Gamain River and drove them into the mountains toward Zambales. No casualties. Found and burned insurgent barracks.

MACARTHUR.

MANILA, *January 31, 1900.*

General MACARTHUR, *Bautista:*

Nothing official. Lieutenant Martin reported yesterday that on 29th instant Lieutenant Schenck, Twenty-fifth Infantry, with 40 men encountered force of about 500 insurgents in vicinity of Castellano, attacked them at once, and was falling back slowly, expecting to be reinforced by additional company. Schenck and 3 men killed, and 3 wounded. Killed and wounded brought to Manila. When additional company came up enemy was routed and scattered to the mountains.

BARRY, *Adjutant-General.*

The character of the service which our troops were called upon to perform in central Luzon from the time they occupied the entire railway country to February is indicated in the foregoing telegraphic extracts. They were widely scattered in detachment, company, and battalion organizations, guarding centers of population and points deemed important for strategic purposes and concentration. This kind of duty continued, gradually proving more successful, as it was prosecuted with vigor, discouraged the insurgent leaders in their attempts to effect guerrilla combinations and demoralized their adherents. The field of active operations was being extended gradually and soon reached across the island from western Zambales to Baler on its eastern coast. The advantages attending this system of repression by force will fully appear when a recital of more recent incidents is resumed, but it must await a review of military movements of a more early date in the vicinity of Manila and those throughout southern Luzon, none of which occurring since the middle of last October have as yet been herein mentioned.

General Schwan's expedition in Cavite province, hastily given on pages 17-19 of this report, the effect of which it was thought would quiet for a time the insurgents in that section, terminated on October 15, when the prosecution of the northern campaign was earnestly entered upon. The enemy at the south recovered his courage sooner than was anticipated, and probably following Aguinaldo's instructions for general active demonstrations, given as soon as our northern advance was commenced, displayed unusual activity. Colonel Kline, who was commanding at Calamba on the southern shore of the Laguna de Bay, where he held a force consisting of his own regiment, the Twenty-first Infantry, telegraphed on October 21:

General SCHWAN, *Chief of Staff:*

The enemy made an attack on my right near the lake last night about 10 o'clock, which was suppressed without loss to us, the *Napindan* rendering valuable assistance. The insurgents had one rifled gun and one revolving Hotchkiss cannon. I believe

the insurgents are coming in. If some additional troops could be sent here, another attack could be repulsed, and the insurgents followed up and severely punished. My line is about 4½ miles long, and can not be drawn in without danger of exposing a part to enfilade fire.

KLINE, *Commanding.*

Upon the receipt of this message on the morning of the 21st, Major Boyd, who was commanding the Thirty-seventh U. S. Volunteers, with station at San Pedro Macati on the Pasig River, was directed to arrange immediately for the transfer of Major Cheatham and at least 150 men of that regiment to Calamba for temporary duty, and to send them by launch and casco as soon as the same arrived from Manila. The detachment reached Calamba and reported to Colonel Kline before midnight of the day the instructions were given, and on October 23 and 24 Colonel Kline reported the following:

General SCHWAN, *Chief of Staff, Manila:*

Attacked the insurgents north of town just as they were sounding reveille this morning. Routed them. Drove them from their trenches and pursued them about 3 miles from town. Movement complete success. Troops engaged: Battalion Thirty-seventh Infantry; Companies B, D, I, Twenty-first Infantry; one 3.2-inch gun, one Hotchkiss, and Gatling. Casualties as follows: Killed—Private George S. Michell, Company I. Wounded—Corporal Jesse Elliott, Company B; Privates George S. Smith, Edward Hellen, and Ernest Knowles, Company D, Twenty-first Infantry. Contemplate another attack to-morrow.

KLINE, *Commanding.*

General SCHWAN, *Manila:*

Commencing at 7 o'clock this morning I had Lieutenant Summerall shell all trenches and suspected positions in the direction of the Santo Tomás road and drove the insurgents from them within an hour. After the cannonading ceased they were seen returning in greater force. They have also returned to the positions from which they were driven yesterday. It will be impossible to keep them away until sufficient force is sent to enable me to sweep the country for several miles and destroy the houses occupied by them as quarters and for their rice. Yesterday I gave strict orders against destroying property, notwithstanding a great many houses near the trenches bear evidence of being habitual quarters of insurgents, and were well stocked with rice. In view of the fact that they are returning in large numbers I request authority to retain Thirty-seventh Infantry a few days.

KLINE, *Commanding.*

General Hall had been placed in command of all troops on the Manila and Pasig River lines when General Lawton departed for the north. Colonel Kennon of the Thirty-fourth Infantry exercised immediate supervision of the long south Manila line, extending from Pasay on the Manila Bay shore to the waters of the Laguna de Bay. General Grant commanded the troops on the Parañaque, Bacoar, and Imus line, and Colonel Kline held the outposts of Calamba and Los Baños on the south shore of the Laguna, where he was assisted by two of our improvised gunboats. The troops in and around Manila were being moved or exchanged almost daily as new organizations arrived. Colonel Kennon with his regiment was about to be sent to General Lawton on the Rio Grande de la Pampanga, and Colonel Gardner of the Thirtieth U. S. Volunteers was designated to succeed him on the south Manila line. The Nineteenth Infantry was sent to General Hughes at Iloilo, Panay, and other organizations were shifted about to meet any concentration which the enemy appeared to be contemplating.

On October 25 Colonel Kline again stated conditions in Calamba and requested additional troops, upon which favorable action was taken, as shown in the following telegrams:

CALAMBA, *October 25, 1899.*

General SCHWAN, *Chief of Staff, Manila:*

From all that I can learn the forces in my front are being increased. I should judge from the way they are digging trenches that all energies are being bent to prevent an advance on the Santo Tomás road. As far as my outlook can determine all fords and roads crossing river 2 miles out on Santo Tomás road are being fortified. New trenches to my left show up and to all appearances are strongly manned. If a strong force could be sent here it might end the contest in this locality. I can't feel easy about the Los Baños command. The commanding officer is solicitous about his Gatling guns. All quiet during the night.

KLINE, *Commanding.*

MANILA, *October 25, 1899.*

COMMANDING OFFICER THIRTY-FOURTH INFANTRY, *Paraag:*

One battalion Thirty-fourth Infantry will proceed to San Pedro Macati this afternoon and take temporary station there. Two companies of the Thirty-seventh Infantry, to be designated by Major Boyd, will embark at San Pedro Macati at day-break to-morrow and proceed to Los Baños. Steamer and cascos for conveyance of these companies will report to Major Boyd this evening. Only two battalions Thirty-fourth Infantry will start for San Fernando to-morrow. The third battalion that regiment will follow in a few days, or as soon as its services can be spared at San Pedro Macati. Acknowledge receipt. Substance of above telegram has been wired Major Boyd.

SCHWAN, *Chief of Staff.*

A report of military affairs in and about Manila at this time, and for several succeeding weeks, can best be presented in a few extracts taken from voluminous telegraphic correspondence which was carried on between department headquarters and subordinate officers exercising command in the vicinity. The following are given:

DEPOSITO, *October 28, 1899.*

ADJUTANT-GENERAL, *Palace:*

Patrol yesterday from Twenty-seventh Infantry went to point about 2½ miles east of San Francisco del Monte and reports having seen two small bodies of insurgents moving northwesterly. New raised intrenchments held by about 60 men also seen. Patrol was discovered and returned without collision with enemy. Outposts reported women and children bringing in furniture and household effects from San Francisco toward Manila. Two companies Thirtieth Infantry making reconnoissance to-day toward Parañaque. Three companies Thirteenth Infantry, Captain Faison commanding, passed here 8.15 this morning, en route to Nipa Barracks, Malate, being relieved from pumping station by order of yesterday of department commander.

HALL, *Brigadier-General.*

MANILA, *October 29, 1899.*

Colonel EDWARDS, *First Division Headquarters:*

Orders issued to-day relieve General Grant and assign him to Second Division. He will turn over command of troops in his immediate vicinity and proceed to Angeles and report to General MacArthur.

BARRY, *A. G.*

MANILA, *October 30, 1899.*

Colonel EDWARDS, *Headquarters First Division:*

Battalion Thirty-second, temporarily assigned to the First Division, is assigned to the Second Division with balance of regiment and will start north Wednesday next.

REICHMANN, *A. A. A. G.*

DEPOSITO, October 30, 1899—9 a. m.

ADJUTANT-GENERAL:

Thirtieth Infantry extended to left relieving Wheeler's battalion Thirty-fourth yesterday at noon. Two companies Thirtieth and one of Thirty-seventh now at San Pedro Macati. I request the return of the five companies of the Thirty-seventh now at Calamba and Los Baños as soon as emergencies will permit. Thirty-third relieved Twenty-fifth on line yesterday afternoon and is in position from Caloocan through La Loma to front of blockhouse No. 4. Commanding officer of Twenty-seventh is near Deposito, and of Thirty-third at La Loma. Some nervous firing by outposts last night on north line near right of Twenty-seventh and on south line near left of Thirtieth. Nothing of moment has occurred.

HALL, *Brigadier-General.*

CALAMBA, November 1, 1899.

General SCHWAN, *Chief of Staff:*

A rumor is current that a number of insurgents will come in and give up their arms, but as they do not want to be known will not sign the vouchers. Can they be paid the \$30, and will the certificate of an officer that payment has been made be sufficient? Information comes to me through secret-service man.

KLINE, *Commanding.*

NOVEMBER 1, 1899.

ADJUTANT-GENERAL, *Palace:*

Following just received from Bacoor: "To Adjutant-General, First Division, Cavite: 1st -. To General Grant, Bacoor: Gunboat off Novaleta engaged October 30 and 31 in shelling enemy out of trenches and prevented their building new ones. They seem to be in some force; I should judge about 1,000. They are sending their women along the beach to Santa Cruz. Had information from spy, not absolutely reliable, that 2,600 men are at Novaleta, Rosario, and neighboring towns, and that they are making their way north, going south of Imus, and passing Pasig during the night through the woods, in small bands of a hundred or so. Commander Smith reports there has been much coming and going of men to the rear of their outposts visible from aloft. (Signed) Elliott, Colonel, Commanding."

EDWARDS, A. A. G.,
In Absence Division Commander.

DEPOSITO, November 2, 1899.

ADJUTANT-GENERAL FIRST DIVISION:

In view of enemy's reported movement easterly across front of south line, and then north across Pasig, it seems essential that companies Thirty-seventh Infantry at Calamba and Los Baños be returned to their proper stations. Left of south line quite weak. Effective strength, enlisted, Pasig, this morning only 111, and duty there severe. Nothing of importance has occurred on lines.

HALL, *Brigadier-General.*

MANILA, November 2, 1899.

Brigadier-General HALL, *Deposito:*

Five companies Twenty-ninth Infantry, under Lieutenant-Colonel Sargeant, will disembark early to-morrow morning from the transport *Zealandia*, just arrived, and will then proceed to relieve the five companies which form the right of Thirty-third in north line. Please have Colonel Sargeant's command conducted to-morrow to its place in said line by an aid-de-camp. It will receive the tentage now sheltering the five companies of the Thirty-third Infantry to be relieved. These companies are to return to Manila on Saturday.

SCHWAN, *Chief of Staff.*

MANILA, November 3, 1899.

Brigadier-General HALL, *Deposito*:

The headquarters and seven companies Twenty-ninth infantry, under Colonel Hardin, will proceed by rail to Caloocan about 9 o'clock to-morrow morning, and will relieve from duty in the north line the remainder of Colonel Hare's regiment, which, after transferring its tentage to the new troops, will repair to Manila. Please direct a staff officer to direct the movement. He had better join Colonel Hardin at the railroad station here. Acknowledge receipt.

SCHWAN, *Chief of Staff*.

CALOOCAN, November 4, 1899.

ADJUTANT-GENERAL, *Eighth Army Corps*:

Following just received, dated Convent, November 4: "Caloocan—Have just been notified by a trustworthy native that General Pio Pilar is in vicinity of Angat with a considerable body of soldiers—he thinks about 700 men. He judges that there are already some 200 additional in the vicinity of the railroad. The points named for attack were Meycauayan, Polo, Caloocan. He thinks the attack may be to-night or to-morrow. (Signed) Kirkman, Major."

"Convent, November 4—Assistant Adjutant-General, Caloocan: Captain Bolton reports movement of citizens in this vicinity, indicating the presence of the enemy. (Signed) Kirkman, Major."

DUNNING, A. A. A. G.

HEADQUARTERS FIRST DIVISION, November 7, 1899.

ADJUTANT-GENERAL, *Palace*:

Following just received: "Deposito, November 7.—Adjutant-General First Division: Major Johnson reached La Loma at 2 p. m. Reports that he proceeded to Novaliches, as directed, on road east of La Loma. Arrived at Novaliches about 3 p. m. The entire country passed over, and the vicinity of Novaliches, was carefully patrolled and reconnoitered without developing the least sign of the enemy. Returning left Novaliches at 7 this morning by a trail to the east of the road followed yesterday, via San Francisco del Monte country. Returning, carefully reconnoitered. No indications of enemy. No shots fired while out. (Signed) Hall, Brigadier-General."

EDWARDS, A. A. G.,
Absence Division Commander.

DEPOSITO, November 9, 1899.

ADJUTANT-GENERAL FIRST DIVISION:

Some outpost firing near Sunken road last night. Resulted in a slight wound in the side of Private William Hampton, Company G, Twenty-ninth Infantry, shot by man same company. Firing was without cause. Two insurgent officers and 11 natives, with 24 bags rice and some 200 pounds salt, were captured last night at points on line between here and Pasig River, endeavoring to get out. Both insurgent officers admit their identity. One is a captain, identified by corporal civil police, a nephew of Pio del Pilar, and the other is a lieutenant.

HALL, *Brigadier-General*.

BACOR, November 11, 1899.

ADJUTANT-GENERAL, *Manila*:

Information from different sources and which I do not deem it prudent to wholly ignore has been received that an attack will be made on this line to-night, or immediate future. I have noticed some things that look suspicious. Company Fourteenth Infantry has arrived and only 10 men are now at Maracabon. I request that an officer and 40 men be sent there, to remain a week.

DAGGETT, *Commanding*.

MANILA, November 12, 1899.

Colonel DAGGETT, *Bacoar*:

One troop Eleventh Cavalry will be at Maracabon some time to-day to relieve company from Gardener's regiment which temporarily took post there. The three remaining troops of the squadron to which above-mentioned troop belongs have been ordered to proceed to Maracabon at once, and to report to you for temporary duty.

SCHWAN, *Chief of Staff*.

BACOR, November 14, 1899.

ADJUTANT-GENERAL, *Palace*:

The following is reported from Imus to-day: "I base my report on the statement of a man who has informed us of every hostile movement in this vicinity, and he has exceptional opportunity for acquiring information. He says there are 2,000 insurgents around Anabo and a thousand at least about Cavite Viejo; that an attack has been planned and ordered to take place to-night or to-morrow night upon this town; that it is intended to be a desperate one, and the insurgent troops have been promised that they shall loot and destroy the town. The attack is to commence on the south or Anabo side, and when under way, a rush will be made on the north side by the force from Cavite Viejo, ————— bolomen to follow the firing line and try to get in. Butler D. Price, Major Fourth Infantry, Commanding."

I suspect the numbers are exaggerated. I think the eleven companies at Imus sufficient to hold the place.

DAGGETT, *Commanding*.

BACOR, November 14, 1899.

ADJUTANT-GENERAL, *Palace*:

Information which I believe to be true is that 100 insurgents crossed Manila Bay and are now at Novaleta. I learn from fairly reliable source that the force which was in front of Calamba is now at Dasmariñas and vicinity. The first item I regard as of the most importance.

DAGGETT, *Commanding*.

MANILA, December 14, 1899.

COMMANDING OFFICER THIRTIETH INFANTRY, *Pasay*:

You will at once send a detachment of 50 men, under two commissioned officers, to Maracabon for temporary duty there. This detachment is intended to occupy Maracabon in case Colonel Daggett, commanding at Bacoar, should deem it necessary to transfer the squadron of the Eleventh Cavalry, now there, to Bacoar or Imus.

SCHWAN, *Chief of Staff*.

CALAMBA, November 14, 1899.

General SCHWAN, *Chief of Staff, Manila*:

As the insurgents seemed increasing in numbers along the northwest front and were causing a good deal of annoyance to the outposts, I yesterday ordered all the guns to open on their positions. They replied by musketry fire. This was soon silenced and the insurgents driven from their trenches. No casualties on our side. The insurgents were seen carrying away some dead or wounded. During the firing yesterday the insurgents were reinforced from the rear and I have yet no reason to believe that they have left my front.

KLINE, *Commanding*.

MANILA, November 16, 1899.

COMMANDING OFFICER THIRTIETH INFANTRY, *Pasay*:

Colonel Daggett telegraphs he expects an attack on his line from Zapote to Imus to-night, and asks that it be reinforced at Zapote bridge by two companies. These will be sent him to-night from the Fourteenth Infantry. Keep your command on the alert during the night.

SCHWAN, *Chief of Staff*.

(Same to General Hall.)

BACOR, *November 17, 1899.*

General SCHWAN:

Fairly trustworthy information is to the effect that enemy has withdrawn. Movement to-morrow will decide the matter. Will send by mail copy of letter from Major Price giving information partly confirmed by presidente Bacoar.

DAGGETT, *Commanding.*BACOR, *November 18, 1899.*

General SCHWAN:

A strong reconnoissance this afternoon $4\frac{1}{2}$ miles from Imus, on Anabo road, developed considerable force of enemy. Six enlisted men wounded; most of them slightly, none mortally. Country flooded. Copy sent to division headquarters.

DAGGETT.

BACOR, *November 19, 1899.*General SCHWAN, *Palace:*

Lieutenant-Colonel Crane, in command of 6 companies and 2 guns, left Imus at noon yesterday. Found enemy on Anabo road, about 2 miles out. Drove them $4\frac{1}{2}$ miles from Imus, when they disappeared. Having carried out orders, he started to return. Soon the enemy appeared in his rear and gradually on his flanks. It being near dark, Colonel Crane did not deem it prudent to attempt to drive them back. Enemy had doubtless come from Dasmariñas, where they have a large force. Our advance was within about $3\frac{1}{2}$ miles from Dasmariñas. A strong, well-organized column would be necessary to take Dasmariñas. San Nicolas reconnoissance found nothing, but am informed since that some of the enemy are hiding in the rice fields near Bacoar. Will try to find them.

DAGGETT, *Commanding.*BACOR, *November 20, 1899.*General SCHWAN, *Palace:*

Last evening enemy fired small gun toward Imus. Missile did not quite reach outpost. Early this morning Cowle's battalion of the Fourth Infantry drove them away toward Dasmariñas. Two soldiers wounded, one severely. One artillery horse killed and one wounded. Reports come that enemy are moving around to Bacoar, via San Nicolas. I do not credit it. Would prefer to hold Twentieth Infantry for developments to-day.

DAGGETT.

MANILA, *November 21, 1899.*

Colonel BARRY:

Natives here report that Aguinaldo, with an army of about 10,000, picked up at various points, is now approaching San Mateo.

CAPTAIN, *Port.*MANILA, *December 21, 1899.*General HALL, *Deposito:*

Reported from several quarters that insurgents are augmenting their forces at San Mateo.

SCHWAN, *Chief of Staff.*BACOR, *November 22, 1899.*

General SCHWAN:

Major Price reports 1,200 insurgents on cross road this side Anabo, 100 on Binacayan road, and information from another source is that quite a force is in San Nicolas. They have one, probably two guns. It is the unanimous opinion here that it is best to remain quiet and induce them to attack if possible. We need more ambulance horses. We have only two to an ambulance. If one should be crippled the ambulance would be paralyzed. We have nothing but bull teams. We should have at least four mule teams.

DAGGETT.

DEPOSITO, November 23, 1899.

ADJUTANT-GENERAL, *Palace*:

Reconnaissance from camp on Mariquina road was sent north yesterday on crest overlooking valley to point opposite San Mateo, where it was fired on by about 100 intrenched insurgents some 400 yards distant on other side of river. Fire was returned and suppressed. No casualties on our side. During firing small parties of insurgents were seen coming from south to reenforce enemy. Enemy's outpost was encountered in usual place on this side of river. Two companies Twenty-seventh Infantry, under Major Hunt, left lines this morning via Balic-Balic road to San Francisco del Monte and Talipapa to Novaliches, thence to point opposite San Mateo, thence to Mariquina road to camp. Commanding officer Mariquina camp, who last night reported no casualties in reconnoitering party, now reports Private Beeman, Company F, Twenty-seventh Infantry missing. Firing was heard by Camp Mariquina road in direction of San Mateo from midnight till daylight this morning.

HALL, *Brigadier-General*.

CALOOCAN, November 23, 1899.

General SCHWAN, *Chief of Staff, Palace*:

Captain Buck went to Novaliches 21st instant with 1 officer and 90 men Company K, 1 officer 22 men Company A, 1 officer 30 men Company C, Sixteenth Infantry; 1 assistant surgeon; 1 officer and 75 men Company C, Macabebe scouts. Yesterday morning proceeded to vicinity of San Mateo. Attacked from west of river about 3 p. m. and withdrew about 5 p. m. Captain Buck deemed it inexpedient to attempt crossing of Mariquina River near town, as trenches about a mile long seemed well manned and other forces visible. The command returned to railroad this morning. Casualties on our side: One private Company A shot in wrist, believed to be slight; Company C, 1 private shot in chest, believed to be very serious; 1 private Company K shot back of neck, believed not to be dangerous. All men were brought in with command. No report yet from Captain Buck.

HOOD, *Commanding*.

POLO, November 23, 1899.

A. A. A. G., *Troops Guarding Railroad, Caloocan*:

Have just returned. We struck the enemy's outpost $1\frac{1}{2}$ miles from San Mateo yesterday at 1.25 p. m., drove it in, wounding 1 man and capturing small amount of Remington ammunition. I reconnoitered San Mateo from bluff, 1 mile distant, and resolved to attack and develop their strength. When 800 yards from town I saw that the whole river had been fortified with breastworks since my visit there on November 11. Also, our attack developed the fact that the enemy was in great strength, at least 1,000 men being present. They were excellent in discipline, and tried to draw us into fording the river by refusing to fire on us, although we were within 100 yards of their position. All streets leading to the river were filled with bamboo, the piles reaching 12 feet high. They also had trenches on river bank near water. Their heaviest fire was when we commenced to withdraw at 4 p. m. I withdrew to the bluffs, 1 mile distant to the west, made coffee, 7 o'clock; successfully marched the command to the south, then to the west, crossing the Novaliches and Caloocan road south of Bagbag, and camping at 4.30 a. m. west of the Tulihan River, 5 miles from Polo. We had 3 men wounded—1 in K, 1 in A, and 1 in C companies. None will be fatal. Written report soon. In accordance with Hood's instructions, I sent duplicate direct to him.

BUCK, *Captain*.

BACOR, November 25, 1899.

General SCHWAN:

Imus attacked at 2.35 a. m. Will report particulars later. Zapote bridge was attacked an hour later, extending into lower part of Bacor. It lasted about an hour. No casualties or harm done.

DAGGETT, *Commanding*.

BACOR, November 26, 1899.

General SCHWAN:

Enemy withdrawn from near positions occupied in the night. Three soldiers wounded and 1 Chinaman killed and 2 wounded at Imus. No casualties at Bacor or Zapote Bridge. Two insurgents killed and 1 prisoner and 2 rifles captured near

Bacoor. I can not weaken any part of the line to send out a column after them. If a fresh column of three or four battalions of infantry, one troop mounted cavalry, and some engineers had been ready to start from Imus at 5 a. m., they could have swept things.

DAGGETT, *Commanding.*

MANILA, November 25, 1899.

Colonel DAGGETT, *Bacoor:*

Two battalions Twenty-eighth Volunteers under Colonel Birkhimer are now preparing to start for Bacoor on the side-wheel steamer *Isabela*, towing four cascoes, and should be landed before dark. It is thought best to give you an ample force.

SCHWAN, *Chief of Staff.*

MANILA, November 25, 1899.

Colonel DAGGETT, *Bacoor:*

It is desired you move the squadron Eleventh Cavalry to Zapote, Bacoor, or other point where, in case of necessity, it can reinforce Imus more rapidly than at Maricao, now held by detachment from Gardner's regiment. Report your action under these instructions.

SCHWAN, *Chief of Staff.*

BACOR, November 25, 1899.

General SCHWAN, *Manila:*

Some trouble on the Imus road to-day. Please send me two companies to help make up a column to clear both sides of river early to-morrow morning. I prefer that they arrive after dark. I dare not withdraw enough from lines to make up this column.

DAGGETT, *Commanding.*

CALOOCAN, November 26, 1899.

ADJUTANT-GENERAL, EIGHTH ARMY CORPS, *Manila:*

Following telegram received at 9 a. m. to-day: "Convent, November 26, 1899.—A. A. A. G., Troops Guarding Railroad, Caloocan: Word is brought to me of detached companies of the enemy moving southward by way of San Jose and Novaliches in the direction of San Mateo for the last two days. Have another letter this evening from the presidente of Santa Maria to the same purpose. Kirkman, major Sixteenth Infantry." Above telegram has been repeated to adjutant-general, Second Division.

HOOD, *Colonel Commanding.*

BACOR, November 27, 1899.

CHIEF OF STAFF, *Palace:*

My information is that enemy has withdrawn from immediate vicinity of our lines. They have outposts near Anabo and San Nicolas and the usual force at Novaleta and vicinity. I will send one battalion Twenty-eighth Infantry to Imus this p. m. to go into camp.

DAGGETT, *Commanding.*

MALolos, December 4, 1899.

General SCHWAN, *Palace:*

Due to removal of 2 officers and 100 men of this garrison, to accompany Colonel Hood's column, there has been increased activity among the outlaws that infest this vicinity. There are at least 15,000 inhabitants in Barosain and its suburbs. One Filipino servant of officers and 2 Chinese employed on railroad are reported captured by small bands of men. An attempt was made in the plaza this morning by 4 Tagalos to abduct a Chinese litter bearer. Latter escaped by running. No apprehension is felt for troops here, but their number is not great enough to protect the large number of friendly inhabitants from outrages of the kind mentioned.

O'HARA, *Captain Commanding.*

DEPOSITO, *December 5, 1899.*

CHIEF OF STAFF, *Palace, Manila:*

9 a. m.—Several parties of natives attempted unsuccessfully to pass out through lines near San Felipe Neri last night. In running when ordered to halt were fired on, and one man claiming Taytay as residence was thrice seriously wounded, captured, and sent to Santa Mesa Hospital. Body of Private Henry M. Neatherly, Company F, Thirty-seventh Infantry, drowned at Pasig 8d instant, was recovered at San Pedro Macati yesterday. Squadron Eleventh Cavalry passed here 7 this morning, en route to railroad station in city, pursuant to department commander's orders of yesterday.

HALL, *Brigadier-General.*

MALACASAN, *December 5, 1899.*

General HALL, *Deposito:*

Reported from Meycauayan that attack expected there to-night. How many troops have you in vicinity of Caloocan? Railway train has been directed to proceed to Caloocan as soon as practicable, to remain there to-night for use if necessary.

SCHWAN.

DEPOSITO, *December 5, 1899.*

CHIEF OF STAFF:

Three companies Twenty-ninth Infantry, all in immediate vicinity of Caloocan.

HALL, *Brigadier-General.*

MALACASAN, *December 5, 1899.*

General HALL, *Deposito:*

Carson's squadron left Bocaue for Santa Maria at 4 o'clock this afternoon. Probably no great force of insurgents in rear of him on Meycauayan road, but country between Caloocan and Bocaue must be closely watched. Your Caloocan companies must be on the alert. There are 75 men at Polo, 150 at Meycauayan, and 70 men Sixteenth Infantry at Caloocan and Tinajeros Bridge.

SCHWAN.

MALACASAN, *December 5, 1899.*

Colonel McCaskey,

Macstranza, Walled City, Manila:

Direct Captain Foster with 100 men to proceed by rail to Polo, leaving lieutenant and 25 men at Tinajeros Bridge for duty there. He will find at Polo an officer and 75 men whom he will assist in case of attack by insurgents, or he will assist troops at Meycauayan, in case of attack there. He will keep train with him to return to Manila as soon as ordered. Train will be found at depot quartermaster's office.

SCHWAN.

MALACASAN, *December 5, 1899.*

Captain O'HARA, *Malolos*, and General HALL, *Deposito:*

In about one hour train carrying Captain Foster, 3 lieutenants and 100 men will leave here for Caloocan where armored cars, manned, will be attached, and proceed thence after leaving lieutenant and 25 men at Tinajeros Bridge, to Polo, to assist troops there or those at Meycauayan in repelling an attack. Captain Foster will keep train with him for return to Manila when ordered.

SCHWAN, *Chief of Staff.*

MALACASAN, *December 5, 1899.*

Captain O'HARA, *Malolos:*

Carson's squadron of 350 men Eleventh Cavalry left Bocaue for Santa Maria at 4 o'clock this afternoon. It is under orders to proceed to Angat to-morrow. Probably no great force in rear of this squadron on Meycauayan road.

SCHWAN.

DEPOSITO, *December 8, 1899.*CHIEF OF STAFF, *Manila:*

Outpost Twenty-seventh Infantry, near Pasig River, yesterday captured an insurgent officer and one man attempting to pass out; officer had commission in possession and admits identity. Claims to have entered Manila Tuesday morning.

HALL, *Brigadier-General.*DEPOSITO, *December 9, 1899.*CHIEF OF STAFF, *Manila:*

9 a. m.—Scouting party Twenty-ninth Infantry yesterday morning from Caloocan toward Novaliches. When near foothills, northeast of former place, encountered outposts of insurgents, who fled on appearance of scout, leaving bolos behind. Corporal in charge states that he saw woods behind outposts full of men, probably 500, some of whom had rifles. Five officers and 191 men Forty-fifth Infantry reached Caloocan yesterday afternoon, and quartered in barracks northeast of town. One company Twenty-ninth Infantry thereupon withdrawn from barracks and placed near sunken road, south of La Loma. Attention is invited to the fact that the five days for which three companies were withdrawn from the north line for service under Colonel Hood have elapsed, and their return is respectfully urged, as their presence at their proper posts is believed to be very important.

HALL, *Brigadier-General.*MANILA, *December 9, 1899.*General HALL, *Deposito:*

Battalion Twenty-ninth Infantry will be sent to you to-day. Where do you wish it to report? Send staff officer to these headquarters to conduct it.

SCHWAN.

MANILA, *December 11, 1899.*COMMANDING OFFICER TROOPS, *Calumpit:*

Over 200 Macabebe families, which have just returned from the Carolines, will be sent up to Calumpit by special train to-morrow morning, leaving Manila about 9 o'clock. Send Macabebe scout to Macabebe town, requesting inhabitants there to place bancas in river at Calumpit to transport these families to Macabebe immediately upon arrival at Calumpit.

SCHWAN, *Chief of Staff.*HEADQUARTERS FIRST DIVISION, *December 11, 1899.*

ADJUTANT-GENERAL:

Following just received from Bacoar, signed Daggett, commanding: "Reliable information received that the brother of the presidente of Imus was killed by insurgents while working in his rice fields about 5 miles from Imus.

STAER, *Lieutenant-Colonel.*CALAMBA, *December 12, 1899.*General SCHWAN, *Chief of Staff:*

Two guns are reported on the Lower Santo Tomás road. Pilar said to have been at Cabuyao Sunday, and gave out that an attack was to be made on Calamba on the 15th. Malbar has been relieved and Miguel is now in command at Santo Tomás. They show more men in the trenches this morning. So far all is quiet except firing on the outposts, which they have not done before for ten days or two weeks.

KLINE, *Commanding.*DEPOSITO, *December 12, 1899.*CHIEF OF STAFF, *Manila:*

9 a. m.—Two companies Twenty-ninth Infantry, 7 officers, 150 men, Lieutenant-Colonel Sargeant commanding, marched 5.30 this morning on reconnoissance to Novaliches. Three officers and 60 men selected from four mounted troops Eleventh

Cavalry, Major Nolan commanding, marched 6.30 on reconnoissance to same place, via right bank of river opposite to San Mateo, and then west by trail. The two detachments will remain at Novaliches to-night. Five officers and 90 men, Thirty-seventh Infantry, Major Orwig commanding, marched 5.30 on reconnoissance south from Guadalupe Ridge, to proceed at least 10 miles.

HALL, *Brigadier-General.*

MANILA, *December 13, 1899.*

COMMANDING OFFICER THIRTY-NINTH INFANTRY, U. S. V.,

Malate Barracks:

The department commander directs me to inform you that the headquarters and remaining battalion of your regiment will be assigned to duty at Calamba; that the battalion will embark for that place on cascoes at a point on the Pasig River known as the old Laguna de Bay landing, to which it will be conducted by a mounted man to be detailed by the chief quartermaster. The requisite wagon transportation will report at the barracks at daylight and the battalion should be at the point indicated at 8 o'clock to-morrow morning. Acknowledge receipt.

BARRY, *Adjutant-General.*

DEPOSITO, *December 13, 1899.*

CHIEF OF STAFF, *Palace:*

9 a. m.—Reconnoissance from Guadalupe Ridge returned at 5.30 last evening, having covered entire front of that position to within 3 miles of Muntinlupa without discovering signs of insurgents. Large quantities of rice found stored in buildings on lake shore near Muntinlupa. Party brought in Portland flour, cigars, cigarettes, billed to General Mauban and valued at \$70.50 Mexican. Persons having those things in charge abandoned them before troops could get in range. Lieutenant-Colonel Sargeant's detachment returned from Novaliches at 4 p. m., having seen no insurgents. Major Nolan returned this morning, having on outward march passed within a mile of San Mateo. Saw no armed insurgents, but probably 500 men, women, and children working in rice fields. Five men arrested by Pasig River outpost, north line, for misuse of pass. Left of Thirtieth Infantry withdrawn to Hay Stack Knoll, where two companies are now established. Battalion Thirty-ninth Infantry now occupies line from that point to Cemetery Hill, with one company at San Pedro Macati.

HALL, *Brigadier-General.*

MANILA, *December 14, 1899.*

COMMANDING OFFICER, *Calamba:*

Headquarters Thirty-ninth Volunteers, Colonel Bullard commanding, and one battalion same regiment, leave this city on cascoes, towed by steamer, at 8 o'clock this morning for Calamba, under orders to report to you for duty.

SCHWAN, *Chief of Staff.*

BACOR, *December 14, 1899.*

General SCHWAN, *Chief of Staff:*

Rice fields filled with harvesters. It is reported that there are more men than rifles at Muntinlupa, Binang, Dasmarinas, San Francisco, etc. Kind treatment by us has caused some, perhaps many, to permanently abandon insurgents.

DAGGETT, *Commanding.*

The constant activity of the insurgents in the vicinity of Manila, to the east in the province of Morong, and to the south in the provinces of Cavite and Batangas, had its chief inspiration in Tarlac, and was the result of the efforts of the agents of Aguinaldo, assisted by the subordinate officers of Lieutenant-General Trias, who commanded all the enemy's forces in southern Luzon. The work of recruiting and sending out men from Manila for the insurgent ranks never ceased, and supplies and munitions of war for the enemy continued to pass out, notwithstanding all our efforts, mostly by the waterways. On July

3, 1899, Aguinaldo appointed a resident of the city of Manila, a Chinese mestizo, a man of considerable influence, a former member of the insurgent congress, a lawyer, and aspirant for the position of insurgent solicitor of the islands, "his sole and legitimate representative" in the city of Manila, "fully authorizing him, after he has taken possession of said functions, to delegate them to such person or persons to assist him as he sees fit, if by so doing he serves the interests of the republic." The junta formed under these instructions contained a number of shrewd Filipinos. They were watched, but not restrained of their liberties until the early spring, as no decided hostile act of commission could be proven against them. When arrested they professed to be the most loyal of American subjects, claimed to be working incessantly for American supremacy, and expressed a desire to take at once the oath of allegiance. The principal was placed in confinement. The others took the oath and were released.

The captured insurgent correspondence shows that this principal was in very frequent communication with the authorities from whom he received his appointment. In a communication of August 15 he was informed from Tarlac of the receipt there of many of his letters, and was assured "that there is nothing to fear from those who are at the front of our government, nor from the people. All are disposed to make the greatest sacrifices and to be reduced to the fugitive life of the nomad before abandoning the sacred ideal of our independence." The communication further states:

The news notices from abroad can not be more grateful and satisfactory for our cause. A letter has been received from Señor Regidor, and in it this notable compatriot tells us that it will be stupidity on our part in these supreme moments to restrain the warlike spirit of our independence after our people have favorably influenced the opinion of the press, of the renowned diplomats of Europe and of America itself in defense of our position, and that the recognition of our independence is an assured fact if we maintain this attitude of activity and energy.

Certainly the activity was maintained in Manila, if not in Tarlac, the seat of insurgent power. In the former city the insurgents formed a strong police force under agents who received their commissions from Tarlac, and acted under the immediate direction of one Colonel Gonzales, who thus on November 17, 1899, writes to Lieutenant-General Trias:

MY DISTINGUISHED GENERAL AND BELOVED FRIEND OF MY SOUL: With unspeakable satisfaction I have received your letter of which Doctor Hockson was the bearer. * * * I have been appointed civil governor of Manila and am military chief of this province and the south of Bulacan. It has been necessary for me to separate from my family, it being impossible for me to keep it with me while I am leading an agitated life in which at every step and moment one is obliged to jump to some other place because of the frequent approach of the enemy. * * * Friend Hockson still carries his stick, and to keep it during the period of American barbarism in Manila has cost not a little labor to friend Tandang Boyong. * * *

With a thousand affectionate remembrances to you and your wife (whose feet I kiss), I salute you and report myself your affectionate friend and faithful servant, who kisses your hand.

This Colonel Gonzales conducted his plottings and exercised his Manila governorship from the small barrios near the northern limits of the city. He had constant communication with his city agents through Tondo, where dwelt the bulk of his police, who carried cédulas, or certificates of personal identification, issued by our officers. The insurgent authorities still persistently considered Manila the proper point to attack, and notwithstanding that their armies had

been driven far back into the interior, it was their objective and the goal of their ambition. They did not expect to secure it by any approved form of combat, but through assassination, bomb explosions, incendiary fires, and the uprising of the native inhabitants. An uprising to be attended by sweeping conflagrations was their constant effort. Says the lieutenant-colonel in charge of the Gerona arsenal in a letter of October 29, 1899, addressed to the "Director-General of Artillery, Tarlac:"

In compliance with your orders about dynamite bombs I send six to your headquarters, with anvils, pistons, and cartridges of dynamite for loading at the proper moment. Señor Manuel Rovirosa, who is in charge, carries them with directions for their use. As soon as others are ready I will send them.

Six days prior to the date of this communication Aguinaldo's trusted staff officer, Colonel Leyba, requested Señor Isidro Torres, general of brigade and director-general of adjutants-general, to appoint this Manuel Rovirosa (who carried and knew how to use the bombs) to a lieutenancy in the army, because, as he said, "I am informed that this gentleman will go to Manila commissioned by our government to throw dynamite bombs and to set fire to the buildings on the principal streets and the principal building, especially those occupied by foreigners."

It is fair to presume that the man, duly commissioned, reached Manila, as many bombs were captured in the city by our police in November, although some were turned in by those designated to throw them.

This barbarous mode of conducting war which attended the military operations of the insurgents is manifested in a reply of General Torres (the officer mentioned above as director-general of adjutants-general) to the insurgent secretary of war in February, 1899. He writes:

SEÑOR SECRETARY OF WAR:

Referring to your note in regard to an unhealthy town or place in the province of Nueva Ecija fit for the concentration of the friars, I must state that, excepting the town of Bongabong, there is no good place except the town of La Paz in Tarlac. According to my observations, even the persons born there are attacked with malarial fevers and ague, and if strangers, very few escape death.

The character of these state papers might prove amusing if they did not depict a startling depravity on the part of men claiming to rule by right and with consent of the governed over a populous country, men who were continually proclaiming that they were actuated by the most humane convictions, and who were constantly invoking the sympathy of enlightened nations for their so-called patriotic cause, of which they claimed to be the lawful representatives. If, however, the secret state papers of the class above shown (many of which came into our possession through capture) are not pleasant reading, the public proclamations of these men might be, if they were not based on falsehoods which deceived the more ignorant of the people. These men were gifted in appealing either to the most depraved passions of the people or to its most cultivated sentiment. Colonel Sandico (he who issued the order of February, 1899, to the natives of Manila directing them to rise, slay, and spare not, neither wife nor child of white blood), from his safe retreat in Cabanatuan, whither he had hastened before General Lawton's first advance on San Isidro, could call upon his countrymen in the most inspiring language to

drive out the invader or sacrifice their lives in the attempt. He issued the following:

TO THE COUNTRY:

You, the Filipino populace, who with your courage and abnegation, together with your virtues, have known how to save your sons from the tyranny of the Spaniards and have taken them from the mire and raised them with your constitutional government to the position of culture of civilized nations; you, the Filipino populace with your victories won with such scarcity of funds and materials of war, who have surprised the whole of Europe and have secured for yourselves a prominent place in the temple of fame, will you permit a foreigner to enter your ports and stain the military honor which you have so honorably gained?

If formerly you have fought valiantly to free your country from oppression, now you should with more reason do so, because it is to save your country, your home, your religion, and the honor of your race. Keep constantly in your minds the portion allotted to the American Indians who were forced to abandon their homes in the plains and exchange them for the mountains and most unhealthy spots, where through hunger and ill health they are gradually becoming less in numbers, and according to statistics will eventually become extinct. * * *

The famous Washington himself met with nothing but disasters during the first two years of the campaign for American independence, and still he continued fighting, not only with the enemy, but also with hunger and the hardships of winter until his end was gained.

I can understand that in despair of an end to the conflict and in fear of being harried by brigands, by hunger and hardships, you thought of accepting autonomy to save the country, sacrificing your nationality and your flag.

To this I must answer that the triumph of our ideals does not depend alone and simply upon the triumph of our army or of our arms. There are many reasons why this can be hoped for, of which, perhaps, you are not aware. In the first place, we are not fighting against a nation, but only a party, which may fall to-morrow or next day; in the second place, the mercenary instincts of the Yankee will oblige him sooner or later to enter into some settlement, owing to the enormous expense the American Government is put to sustain this war, on account of the distance, his manner of living, etc. Besides, the latent Eastern question may bring about an international conflict which would oblige America to abandon her policy with regard to the Philippines, and the justice of our cause, together with the circumstances that you have aided America to banish and destroy the Spanish Government on these islands, has won the sympathy of the press of Europe and Japan, in fact, that of all nations—a thing that can not escape the notice of the leaders of the state in North America, especially as they know that the position America holds in the Philippines is contrary to European and Asiatic interests.

Before accepting autonomy (which we shall do only as our last resort), I think it is our duty to exhaust all our resources for war, organize all our forces and not consider ourselves conquered until the last cartridge has been fired. We should exhaust all the resources of diplomacy, put in play before foreign courts every inducement which we can offer with the aid of the tribune and the press, now giving up coaling stations and ports, and now offering concessions to commerce and concessions to build railroads or to mine.

Countrymen, constancy and patience! Because in the prolongation of the struggle depends the triumph of our scheme.

T. SANDICO.

ABANATUAN, 16th May, 1899.

A few days thereafter Señor Pedro Paterno, late president of the Philippine congress and member of Aguinaldo's cabinet, not to be outdone by Sandico, applied his firebrand of words to the hearts of his countrymen, also writing from his safe retreat at Cabanatuan:

TO THE FILIPINO PEOPLE:

No one is ignorant of the fact that since we took the helm of the ship of state we have sacrificed ourselves to the service of the government of our republic, offering ourselves as victims for the sake of peace, without abandoning the sacred ideal of liberty and independence which fires our country, but the North Americans refuse to suspend hostilities asked for by us to consult the national assembly, seat of the popular will.

Well, since they wish it, may the responsibility of the war and its consequences fall on the great nation of the United States of America. We have behaved as patriots and human beings, showing the great powers of the world that the cabinet acts with a diplomacy which protects our cause, as do the arms which defend our rights.

The council of government, deciding to preserve our republican institutions, national independence, and the presidency of Don Emilio Aguinaldo in spite of the Americans, who intend to construct upon our ruins the edifice of tyranny, has concluded to continue the war, preserving unhurt in their spirit and meaning our constitution and laws, which we have secured and paid for with so much blood and such sacrifices.

To war, then, beloved brothers, to war.

In order that the people be free it is necessary for them all to be brave, whether rich or poor, learned or ignorant. Beloved Filipinos, hasten to save our native land from insult and ignominy, punishment, and scaffolds, and from the sad and fatal inheritance of generations in bondage.

The God of war, in whom we have put our faith and hope, is helping us. Interior and international dissensions and conflicts rend the invading army. Its volunteers, being aware that we are in the right, fight without enthusiasm and only in compliance with their forced military duty. Within the American nation itself a great political party asks for the recognition of our rights, and Divine Providence watches over the justice of our cause.

Viva the Filipino sovereign people!

Viva national independence!

Viva the liberating army!

Viva Don Emilio Aguinaldo, president of the republic!

P. A. PATERNO.

CABANATUAN, June 2, 1899.

Later, just as our troops had advanced to Angeles and we were engaged still in shipping volunteer organizations to the United States, at a time when, as stated in a preceding report, "we could not make extensive demonstrations until the Eighth Corps could pull itself together again, and when the insurgents were making great exertions to worst us by attacking our lines of communication and our force in the province of Pampanga," Aguinaldo came forward with another characteristic proclamation, replete with cunning and deceit, in which he alluded as usual to his practiced humanity, invoked the return of all inhabitants who had withdrawn from his authority, eulogized the former rule of Spain, and condemned the administration of the United States Government, which had deceived them and inflicted all their sufferings. We give it in full as a masterpiece of Philippine statecraft:

TO THE FILIPINO PEOPLE:

In consequence of the humane principles observed by our government and army, I again inform my beloved people that all persons not holding commissions are hereby permitted to retire and return to their respective towns and look after their personal interests and property, even if said towns are held by the enemy.

I ask only that you observe the strictest neutrality; and in case the imperialistic party attempts to entice or use force toward you, I leave the matter in your hands, and it remains for your good judgment to decide the policy you intend to adopt. However, I feel confident as to the patriotism of each one of you.

Our government does not require an excessive number of men, only sufficient to bear the arms we have and to execute the necessary duties. You may rest assured that our army will not abandon or terminate the struggle while there remains a foreigner who wishes to enslave the Filipino people. We are all resolved to place obstacles and difficulties in the way, and we ourselves are prepared to encounter any difficulty and to fight while there remains a breath of life within us.

The Filipino army would a thousand times rather succumb in the defense of justice than live without honor and in slavery. What value, in truth, have we for life under such circumstances?

It would be a pity that after three centuries of ordinary life with our old mother country, Spain, which gave us her own civilization, to allow ourselves to be dominated by an enemy who wishes to impose upon us new ideas and customs; for example, their language, which in order to learn one has to return to his childhood.

Remember the saying, "The virtue of civilization enters the soul never to be lost." The invader says he will govern us according to the laws we have inherited from Spain. I think I make no mistake in saying that on this point we know more than

wandering strangers possibly can. A country with dignity knows how to regain her liberty—also knows how to make good use of it.

On the other hand, this war against the imperial party is to our advantage because it serves to instruct the populace, cultivates all virtues, and induces neighborly love; and the greater the number of victims among our beloved brothers to the homicidal blows of the invader, the more will patriotism extend and concentrate itself in the hearts of all.

When we have gained our independence we must bear in mind to make no promises that afterwards we may find ourselves unable to fulfill, as the Americans did on arriving at our shores, by assuring us that they had come "To defend and help an oppressed country in order that it might be free and independent; and that they would constitute a government with its own flag to distinguish the new nation from other nations"—a promise which still lives in their consciences and in the memory of the great nations which have, as witnesses, observed from Manila Bay the glorious triumphs of our revolution.

And I make known before the face of all civilized nations that the Filipino nation does not forget the agreement of alliance and friendship concluded by me, as its representative, with Admiral Dewey, the first representative that came here from the United States, through the American consuls of Hongkong and Singapore.

The agreement is so imprinted in the memory of the Filipino populace and army that they have cried out to me to set at liberty Americans that have fallen into our hands, saying:

"We do not want to fight with, nor do we make war on, the United States. The sons of that powerful nation are our friends and brothers. We defend ourselves only to reconquer our independence from the imperialists, and we ask that this be recognized. We return, therefore, her sons to the United States, because brothers and friends can not be our prisoners."

And owing to this unanimous petition, one which was so in accordance with my ideas and those of my present government, I decreed that the American prisoners should be set at liberty, instructing the secretary of war to have them report to General Otis, commander in chief of the forces of the enemy.

For these reasons, therefore, beloved countrymen, I can not cease to charge you not to permit even in a trivial matter that the good record of our mother country be stained, and that you will not adopt the method of main force to overthrow personal rights—above all those protected by international laws. And bear in mind that there are always noble defenders, because justice will triumph. These there are in America itself to-day, where a party has arisen which is trying to urge on its country the recognition of Filipino independence. So that we can always hope for some one to appear in our defense who will force his fellow-countrymen to fulfill their stipulated promise so well known and solemnly believed, although there were no documents drawn up upon the matter. However, we should salute them with our gratitude, even if they fail in the first attempt perhaps they may be the means of bringing about what we desire, seeing that our enemies are likely to change their minds, which I believe they will do, and that they are only trying us, granting that they are valiant men as the whole world knows that they are.

Oh! How rich and beautiful thou art, my beloved country. I invite you all, my fellow-countrymen, to take a handful of ashes and mud and cover the beauty of our virgin mother, "Filipina." By this means she will fail to excite the passions of anyone who might attempt to dispute our right to her, as in these moments is happening.

Because some Americans have unduly coveted possession of the beautiful "Filipina," much blood has already been shed and an innumerable number of lives have been sacrificed. They have invented many deceitful means to possess themselves of her, but thanks to her good sons, who in her defense have poured out riches and even their lives, which in justice they should so do in compliance with the national honor. And I make it known that our entire army stated that while they were facing the enemy they did not wish to claim any pay, but that in addition they put all their possessions at the disposal of the government.

We ask God that he may grant the triumph of the Democratic Party in the United States, which is the party which defends the Philippines, and that imperialism may cease from its mad idea of subduing us with its arms, and I hope that my fears may not be realized, that in case the Democratic Party is defeated, that the imperialistic party will revenge itself on the Philippines by enforcing a large indemnity from us (which it would be impossible for us to pay), with the object of gaining by this means the triumph of its desires, and which would prove that this war from any standpoint is unholy with its black assassination.

But still we are able to find some already mentioned, who still follow

the hope of sympathy among the good Americans and precepts of justice which they inherit from

their illustrious ancestors, the founders of the Republic of the United States. Notice for yourselves that among the Americans here there are some who are reasonable, and although they take up arms against us, being compromised and under discipline to do so, they understand that justice and right are on our side, and have even deserted from their ranks and come to ours in order not to be implicated in this war, which is pronounced by the illustrious North American, Mr. Atkinson, as criminal aggression, and although we have offered them facilities to return to their commands, they have refused to do so.

I finish by beseeching my fellow countrymen to use their utmost endeavors to hide the beauty of the Philippines and her riches, so that the imperialists who desire her may not take possession, and then we shall enjoy peace undisturbed.

Viva independence!

Viva the republic!

Viva the liberating army!

Viva the union of the Filipinos!

EMILIO AGUINALDO.

TARLAC, 31st August, 1899.

The assertions contained in this paper of Aguinaldo's were made after three months of comparative quiet on our part, in so far as active war was concerned, interrupted occasionally by sharply thrusting back the enemy, who, gaining assurance by our attitude, attacked the salient points of the long lines we were maintaining while awaiting the arrival of troops to take the place of the returning volunteers. The insurgents were greatly encouraged that no signal advance had been made into the country of their possession. But now our troops were pushing forward and the insurgent secretary of war exhorted his army by an appeal which might live in history had it any basis of truth. It is as follows:

To the generals, chief officers, and soldiers of the Filipino army:

There is no doubt that the war against the Filipinos is waged, not by the people of the United States, but by what is called the Imperialist party, the party of McKinley, which is in power to-day. The North American nation prefers peace, not because it has ceased to desire the riches of our soil, but because it wants to take them without risk and without adventures, without having to take any chances. The Imperialist party would not have attempted to seize them if the easy victory over Spain had not made it believe that the Filipinos would be found equally easy to defeat.

The firmness, however, of the Filipino people and the heroic resistance of our army is dissipating this delusion, but as the prestige of this party is greatly compromised, General Otis, who represents it in the Philippines, in his tenacious desire to keep up the defense of the expansionists, has gone on asking for reinforcements and more reinforcements from his Government, which the people, not trusting him this time, have diminished. But the date of the Presidential election in that country is approaching, and the reelection or fall of McKinley will decide the good or bad end of this mad enterprise undertaken by him. Interference of the Continental European powers in this palpitating international question is again feared, and everything makes us believe that the Yankee army, with or without large reinforcements, is about to make a final effort before the Imperialist party admits it is beaten. It is the general opinion within our Republic and abroad, that if we resist this attack, as in the past we have held back the American line, we shall have reached the end of our sacrifices and attained our independence, and it will be most gallantly conquered.

The critical moment, accordingly, is approaching. It will be the moment of life or death for us, and, however great may be the force of that bastard passion, Ambition, it can not prevail over the courage produced by legitimate and holy desires like ours for liberty and political emancipation. Hence, our dear and honorable president, the government, and the Filipino people hope that once again you will make our enemy bite the dust and that once again you will give proofs of that legendary valor to-day so notorious and admired over the whole world; and then in the case of peace you will be able to pluck your conquered laurels with the legitimate satisfaction which comes from duty well done, and receive the rewards which the government will bestow upon you.

AMBROSIO FLORES,
Secretary of War.

OCTOBER 5, 1899.

In this digression from conditions in Manila we have sought both to show the deceit practiced by the insurgent leaders, and their desire to destroy the city; also to convey impressions prevailing among the Filipino population, since it accepted as truthful all their public statements. These statements, together with wild reports of defeats and losses suffered by our Army, were circulated in the city and were believed by the mass of its inhabitants. They were confident that could the insurgent cause be sustained through December, a Presidential election in the United States would take place which would effect a radical change in its policy, and that as a result their independence would be universally acknowledged. Many entertained the belief that this election would be consummated before the end of the year and could not be convinced to the contrary. With so much assurance was this report of final victory accepted, that it made a very disquieting impression upon many of our Filipino friends who were honestly working in the interests of stable government, and who, although they knew that the date of a Presidential election was far in the future, became uneasy as to their fate in case of the proclaimed ultimate success of Aguinaldo and his unprincipled advisers.

The time had arrived to make the supreme effort in Manila. General Ricarte, whose patriotism at an early stage of the rebellion had been assailed and who had been widely censured for entertaining political opinions of an amicable character, was given the opportunity to atone for past errors by receiving the detail to direct the contemplated movement. It is believed that he was in the city for some time making the necessary preparations, and report to that effect was received; but all the labors of the provost-marshal-general (General Williston) to arrest him proved unsuccessful, although he succeeded in discovering a number of his agents and a quantity of his concealed explosives. Ricarte had evidently matured his plans, as will be seen by the following order which was secured on the date of its issue:

HEADQUARTERS OPERATIONS IN MANILA.

With ardent patriotism "our mother country Philippina" with her head nobly elevated, declares herself before the whole civilized world as free and independent. With this same love of country which you possess you may be able to place her on a level with the most celebrated nations which are known to-day. The time has now arrived for all of us to take up arms, and I, as representative of the nation, call upon you to give proof of your zeal, interest, and activity in the realization of the enterprise which will be begun to-morrow, Saturday, the 30th of the current month, without fail.

May the Almighty protect us and guard you many years.

Manila, December 29, 1899.

ARTEMIO RICARTE Y VIBORA,
Director of Operations.

This attempt to destroy Manila which had been preceded by others of a similar character, especially in the months of October and November, was the last known endeavor of the insurgent leaders to accomplish this, to them, very much desired result, as shortly thereafter their troops throughout Luzon had been disorganized and scattered and they themselves, for the most part, were in safe custody within the city's walls. That they did not succeed in even effecting any destruction to life and property was due probably to the excellent police system maintained by the provost-marshal-general and the efficiency of the native police which proved faithful to its trust.

The campaign throughout northern Luzon, the successes which

attended it, and the arrival of additional troops from the United States gave us a sufficient force—notwithstanding that we were obliged to send several organizations to the southern islands to prosecute the movements which were being carried on there—to conduct an efficient campaign in the southern Luzon provinces, where the enemy, confronted by the troops of the First Division (General Lawton's), still held intact its entire strength. Our outposts in this direction were at Imus, Bacoar, Zapote Bridge, Parañaque, Taguig, and Calamba. A thin line running eastwardly from Manila Bay at Pasay to San Pedro Macati on the Pasig River, thence on to the town of Pasig, defended Manila from southern incursions. On the north our Manila line of defense, starting at Caloocan, ran practically by La Loma Church to the waterworks reservoir and on to the pumping station on the Mariquina River, thence in a west and southwesterly direction, terminating at the Pasig River. Its total distance was about 8 miles. A portion of this latter line was held by detachments between which there intervened considerable distances, but they were sufficiently contiguous to keep the country under fairly close observation. Daily reconnoissances ascertained and reported the movements of the enemy.

To the north of the pumping station, along the east bank of the Mariquina River, the towns of Mariquina, San Mateo, and Montalban contained armed insurgents supposed to number from 1,000 to 2,000, while to the eastward, in the near towns of the Morong province, a force of 400 or 500 was maintained. Strong reconnoissances had previously driven back on Montalban the Mariquina River contingent, but as the places captured were not permanently held by us the insurgents quickly returned to their former stations and strong intrenchments. The country was rough and was easily defended. At Montalban it rose into mountains difficult to traverse, and from that town a road led north by San Jose to Norzagaray, and a trail through the mountains ran nearly in the same direction, terminating in upper Bulacan. Over this road and trail the insurgents south kept up communication with those of the northern Luzon provinces, passing troops by this route through the province of Morong. The Mariquina line was therefore very important to them. They had clung to it tenaciously and strongly fortified it during the rebellion of 1896 against Spain. It was considered quite necessary to take permanent possession of the line before entering upon a southern campaign, and General Lawton, who returned to Manila on December 16, was directed to do so.

He at once prepared a column, consisting of two squadrons of the Eleventh Cavalry, only one of which was mounted, a troop of the Fourth Cavalry, two guns of Taylor's light battery of the Fourth Artillery, a battalion of the Twenty-seventh and one of the Twenty-ninth Infantry. This column commenced its march to the west of and near the right bank of the river on the evening of December 18. The infantry intended to cross near to and strike San Mateo, and Lockett's cavalry to cross above and near Montalban. A heavy rain storm approaching, which it was thought would unnecessarily expose the troops, and would swell the river so that a crossing would be attended by danger, directions were given to suspend the movement, but General Lawton asked in person that it might progress, saying that he did not think the storm would continue long, that the troops had already started on the march, and that he intended to accompany them. The column proceeded, the rain continuing to fall heavily during

the night, and nothing was heard from it until about 10 o'clock the next morning, when a telegram was received stating that General Lawton had been killed. It appears that upon reaching the vicinity of San Mateo the swollen river presented difficulties, so that the crossing could not be effected with the readiness anticipated, and that for that reason considerable delay ensued.

General Lawton was shot at the river bank, where he was supervising the crossing of the troops, by the concealed enemy at San Mateo, while fearlessly exposing his person as a target for the enemy's sharpshooters. Lockett's cavalry crossed as directed near Montalban, drove the enemy northward into the mountains, and, turning, proceeded to San Mateo, which the infantry in the meantime had taken. Leaving a squadron of the Eleventh Cavalry and a battalion of the Twenty-seventh Infantry to garrison San Mateo, the remaining troops retired down the east bank of the river with General Lawton's body to the pumping station, where, having been crossed to the west bank, it was received by a portion of the Fourth Cavalry under Colonel Hayes, who had been sent from Manila to escort it to the city.

The loss of General Lawton was keenly felt and deplored by the entire corps, also by a large class of Filipino citizens, whose respect and admiration he had won by his kind treatment, soldierly bearing, and continued military successes. As a leader of men and a master in handling them under trying conditions he had few equals. Whatever the emergency, he was always found competent to cope with and overcome it.

The insurgents who were driven through Montalban into the mountains by the two squadrons of the Eleventh Cavalry (one mounted and one dismounted) returned to that place and confronted the troops left at San Mateo, as herein previously reported. Colonel Lockett, who commanded that regiment, with station at the pumping works on the right bank of the Mariquina River, was instructed to drive them out, place sufficient force at and to the north of Montalban to hold the mountain passes, also all roads and trails passing from that town, and to establish garrisons at the more important points. Two battalions of the Forty-sixth Infantry, commanded by Lieutenant-Colonel Pratt, a battalion of the Twenty-ninth Infantry, commanded by Major Johnson, a company of the Forty-fifth Infantry, one of the Twenty-seventh, and 2 Nordenfeldt guns, under Captain Van Deusen, were furnished him, which, together with the mounted and dismounted squadrons of his own regiment, was to compose his available force. He was supplied with wagon transportation for his infantry and pack animals for his mounted cavalry. After rationing the troops left at San Mateo and Mariquina, he, on December 26, led his column to Montalban, where he achieved complete success, and which he thus reported on December 27 and the two following days:

MONTALBAN, December 27, 1899.

General SCHWAN, *Chief of Staff, Manila*:

Yesterday the cavalry was sent to detour around north flank of insurgents' position and Johnson's infantry around south flank across mountain. Forty-fifth was sent up east bank of river. Johnson failed to get through last night; sent him this morning up hogback to turn south flank and supported him with one company Twenty-seventh Infantry and one troop dismounted squadron Eleventh Cavalry. Took two battalions Forty-sixth Infantry, Lieutenant-Colonel Pratt commanding, up Montalban road; formed line toward east; 2 guns, under Captain Van Deusen, between the two battalions of the Forty-sixth Infantry, opened fire upon enemy's

point. Insurgents were posted in strong fortified positions on both sides of the river. Had battery with 1 breech-loading cannon, supported by a battalion of infantry, just south of river where it comes out of the mountains. The attack was a complete success. Cavalry squadron got in rear of the flank by the hardest kind of work. Johnson's infantry is up on mountain yet. As the front attack broke the enemy the cavalry troop poured in withering volleys and sent him in a wild scramble through the brush. Lieutenant-Colonel Pratt pushed part of his command up mountain side, turned right of battery in brush, and found a breech-loading cannon. We have captured about 24 rifles, 20,000 rounds of ammunition, 500 pounds of powder, reloading outfit, and material for making projectiles. The opportunity was furnished and a great number of the enemy should have been killed. To-morrow I will search out the hills and destroy the telegraph lines. The command which defended this position has been thoroughly scattered over as rough a country as I ever saw. Our casualties are, as far as I can learn, 1 officer and 2 men Eleventh Cavalry wounded, 3 men Forty-sixth Infantry wounded, and 1 man Forty-fifth Infantry drowned.

LOCKETT, Colonel.

MONTALBAN, December 28, 1899.

CHIEF OF STAFF, Manila:

After sending telegram yesterday, captured 10 additional rifles and some prisoners, Johnson's battalion, Twenty-ninth Infantry, and Miller's battalion, Forty-sixth, still on the mountain. Have not yet received report from them. Carson's squadron moved toward San Jose by way of San Mateo this morning.

LOCKETT, Colonel.

MONTALBAN, December 28, 1899.

CHIEF OF STAFF, Manila:

Major Miller's battalion has just returned. It went back 3 miles through the mountains. Found no considerable body of Filipinos. The entire command is now in the vicinity of Montalban. Company of Forty-fifth Infantry on outpost duty at insurgent stronghold killed 3 Filipinos this a. m. and captured their guns. Filipino prisoners report insurgent troops without food and that they have no food supplies in the mountains. The strong insurgent fort north of the river and arsenal have been destroyed. We have secured 16 bales of telegraph wire. Shall I continue to hunt small insurgent detachments out of the mountains?

LOCKETT, Colonel.

MONTALBAN, December 29, 1899.

CHIEF OF STAFF, Manila:

Insurgent forces fronting Montalban were attacked by troops under my command and defeated. They occupied a front of 3 miles on both sides of river in foothills and on mountain sides. We turned both flanks by troops sent out on afternoon of the 26th and smashed the center. Flying insurgents were intercepted by dismounted cavalry, which had circled north end of line, and were driven up mountains. The infantry which had turned left flank were on hand to catch them on mountains. Result was grand disintegration. Mountain side and path are covered with dense thickets of bamboo, almost impenetrable. All the troops now in except Major Miller with five companies of the Forty-sixth. Will not be down until to-night or to-morrow morning. About 80 known to have been killed, several wounded, and 24 captured. The loss was necessarily much greater, but the men did not stop to hunt for bodies in dense grass and jungle. We captured their gun arsenal and quantities of ammunition, and supplies of all sorts have been captured and destroyed. We got their reloading outfit, telegraph instruments, lineman's outfit, and 40 rifles. The movement was a complete success. Our loss was 1 officer and 6 men wounded and 1 man drowned. Several cases of heat prostration. Major Carson's squadron was sent to San Jose, with four days' rations on pack mules.

LOCKETT, Colonel.

Brigadier-General Bates had returned from southern Mindanao and the Jolo Archipelago, whither he had been instructed to proceed on October 29 on business connected with the positions of troops in that section of the Philippines and the recent agreement, which, as agent

of the United States, he had conditionally entered into with the Moro Sultan and his datos. He received the appointment of major-general of volunteers, succeeding to the vacancy caused by the death of General Lawton, and was assigned on January 4 to the command of the First Division of the corps. The campaign in southern Luzon was actively entered upon. The plan adopted was to confront and hold the strong force of the enemy near Imus and to the west of Bacoar, while a column should move rapidly down the west shore of the Laguna de Bay to Biñang, thence turn southwestwardly, seize the Silang, Indang, and Naic road, capturing the enemy's supplies supposed to be at the towns of Silang and Indang, which, with Biñang and Naic, were to be held. By this means we expected to arrest the retreat of the enemy when he should be driven from northern Cavite by our troops designated to attack him there, and thus prevent his reassembling in the mountains of southern Cavite and the northern part of Batangas province.

The force available was a squadron of the Fourth and one of the Eleventh Cavalry, Captain Reilly's light battery of the Fifth Artillery less Summerall's platoon, 4 Astor Battery guns commanded by Lieutenant Koehler, 6 guns of a varied character under Captain Van Deusen and Lieutenants Summerall and Buckey, the Fourth Infantry, the Twenty-eighth, Thirtieth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Forty-fifth, and Forty-sixth regiments of volunteers. The Fourth, Twenty-eighth, Thirty-seventh, and Thirty-ninth already occupied advanced outposts at Imus, Bacoar, Calamba, and Los Baños. Generals Schwan and Wheaton were directed to report to Major-General Bates—General Schwan to command the column to be sent over the Indang and Silang line and General Wheaton the troops to operate from Bacoar and Imus. The former assembled his column at San Pedro Macati on January 4. It consisted of an engineer detachment, commanded by Captain Sibert; the Fourth and Eleventh Cavalry squadrons, commanded by Lieutenant-Colonel Hayes, of the Fourth Cavalry; of the 3 guns with Captain Van Deusen, reenforced by 3 under Lieutenant Summerall and 4 under Lieutenant Buckey, in the reorganization of the brigade on January 12; of the Thirtieth and Forty-sixth regiments of volunteers, and 60 Macabebe scouts. The Thirty-seventh and Thirty-ninth regiments were already at Calamba and Los Baños, sufficiently near Biñang and Santa Rosa to give assistance if desired, and on January 2 parts of those organizations had driven an insurgent force to the northwestward through Santa Rosa and out of Biñang, returning thence to Calamba. General Schwan's column was supplied with efficient Hospital and Signal Corps detachments, had sufficient quartermaster's transportation (with large pack train for cavalry), and rations for ten days. It marched out of San Pedro Macati on the morning of the 5th, reaching Muntinlupa that evening, having experienced during the day a great deal of difficulty in moving its train over the trails which it was necessary to travel. The following day (January 6) General Schwan reached Biñang, and thus reported results:

My command assembled Friday morning on ridge leading south from San Pedro Macati. Entered Muntinlupa without resistance 5 p. m., and camped there that night. Sent reconnoitering party out on both roads toward Biñang same evening. Party on west road fired upon about 1 mile south and returned. Command moved south by two roads this a. m. Cavalry, Macabebes, artillery, and my headquarters constituted first column; remainder of command, with train under Colonel Gardener,

composed second column. First column moved on ridge and bottom road. Encountered slight resistance about 2 miles south, which cavalry and Macabebes overcame; moved on then with Steele's battalion infantry in advance on bottom road, sending cavalry on ridge. Found enemy at Bifang. Steele's battalion drove them out. Nolan's squadron circled around to our right, but found no resistance. Our loss: Killed, Corpl. James W. Johnson, Company E, Thirtieth Infantry, shot through the body; wounded, 1 private, C Troop, Eleventh Cavalry, neck, severe. Enemy's loss unknown; 9 bodies found; 26 prisoners taken and some rifles. About 800 men under General Noriel were occupying the town. It is believed his command retreated to Silang or Dasmariñas. Second column, under Colonel Gardener, moved along beach road, and followed first column into this town. All my command in town here to-night. Good town; population, about 9,000; should be held. Am leaving one battalion Forty-sixth to garrison it for the present. Prisoners will be turned loose to-morrow. All property towed by *Trilby* duly arrived and is now about landed. Will move out rapidly early to-morrow morning.

SCHWAN, *Brigadier-General*.

General Bates and staff departed for Bacoor on January 6, to which point General Wheaton, who had been assigned to the immediate command of troops in the vicinity, had preceded him and had placed in position for advance and attack the organizations of which he was given charge. They consisted of Reilly's and Koehler's batteries, the Fourth Infantry, the Twenty-eighth, Thirty-eighth, and Forty-fifth regiments of volunteers, with detachments from the various staff corps and a small body of cavalry, and were supplied with rations for several days. They were concentrated at Imus and Bacoor, ready to strike whenever the proper time should arrive.

General Bates telegraphed from Bacoor on January 7 that a large force of insurgents appeared to have concentrated near Novaleta, on the Bacoor and San Francisco de Malabon road; that his reconnoitering parties had gotten contact, and that there was considerable firing; that the Twenty-eighth and Forty-fifth Infantry were about to be moved to Imus, to which point General Wheaton had gone. That evening he reported from Imus that the enemy had been encountered near an outpost there by a company of the Fourth Infantry, under the command of Lieutenant Cheney, who, with 2 enlisted men, had been killed, 2 men being wounded; and that Colonel Birkhimer, of the Twenty-eighth Infantry, with one battalion of his regiment and a gun of Captain Reilly's battery, had moved out from Bacoor early that morning for the purpose of making a reconnoissance in the direction of Novaleta, had encountered the enemy, and had driven him out of his intrenchments, killing 65, wounding 40, and capturing 32 rifles; that his casualties were 8 men wounded; that later in the day Major Taggart, of the Twenty-eighth Infantry, with two battalions of that regiment, the scouts of the Fourth Infantry under Lieutenant Way, and the machine guns had made camp near to Imus outpost, on the Dasmariñas road; had confronted a force of insurgents numbering about 600, whom he had driven off, killing 60, wounding 80, and that he had 1 of his men killed and 10 wounded; that the enemy had retired on Perez Dasmariñas; that his total casualties for the day in the vicinity of Bacoor and Imus were 1 officer and 3 men killed and 20 wounded. He asked that a squadron of cavalry be sent him, as he had a great deal of country to cover and wished to prevent the escape of the enemy if possible. He also submitted information that the majority of the inhabitants would be friendly if protected from the insurgent troops. He was authorized to draw upon the Eleventh Cavalry for an additional squadron, the mounting of which in Manila had just been completed.

On January 8 General Bates telegraphed the following from Dasmariñas:

ADJUTANT-GENERAL:

Wheaton's brigade, excepting Fourth Infantry, left Imus shortly after daylight this morning, marching upon the two parallel roads leading to Dasmariñas, the left column composed of the Twenty-eighth Infantry and machine guns, the right column consisting of the Thirty-eighth and Forty-fifth Infantry, Koehler, Kenly's battery, and the train. Dasmariñas was reached about 11 a. m. No opposition was encountered en route by the right column. The left column, under Colonel Birkhimer, encountered and dispersed a small force of the enemy numbering about 100. One insurgent was killed. No casualties on our side. Two battalions Fourth Infantry were held at Imus, the third battalion, under Major Scott, being sent out to reconnoiter Novaleta. The enemy was discovered to have fled, and was reported by natives to have taken the direction of Naic. Scott has been reinforced by a troop of cavalry, and directed to gain contact with the enemy and push on to San Francisco de Malabon. Colonel Dorst with Forty-fifth Infantry, was directed this afternoon to proceed to Buena Vista, continuing his march by night in order to reach that point without delay. If he does not find any hostile forces he will push on to Quintana, where he will probably effect junction with Schwan. Reconnoissance toward Silang this afternoon discovered no indications of enemy, and everything points to the retreat of the insurgents in the direction of Naic. Wheaton's command is in a very satisfactory condition and in good spirits.

BATES, *Major-General.*

In the meantime General Schwan had moved all of his troops, excepting a battalion of the Forty-sixth Infantry, out of Bifang on the directed route westward early on the morning of the 7th. He reached Silang upon the afternoon of that day, preceded by his cavalry, which without resting pushed on to Indang and out on the Naic road. The enemy had destroyed all bridges on this, his line of retreat from Bifang, and thus delayed the wagon train and portions of the infantry column. General Schwan's dispatches clearly report his operations and the situation. They are as follows:

SILANG, *January 7, 1900.*

ADJUTANT-GENERAL, *Manila:*

Left Bifang this morning, marching by two roads to Carmona. Sent Nolan's squadron forward from heights 2 miles this side of Carmona, with packs, to push to Silang. Followed him immediately with Johnston's battalion Forty-sixth. Hayes, with Fourth Cavalry squadron, came up one hour later, having encountered difficulties in rice swamps. Sent Hayes to pass Johnston, join Nolan, and to push on to Indang if possible. Nolan's squadron entered Silang with slight resistance—about twenty minutes of fighting. Our casualties 1 wounded in arm. All cavalry, with Eleventh Cavalry pack, moved into Indang at 3 p. m., and I came here with infantry battalion at 5.30 p. m. and occupied this town. No report yet from Hayes at Indang. Roads from Bifang impassable for wagons 4 miles from here. Wagon train at Rio Malquin Ylang, but can not cross. Insurgents from Indang have retreated hastily this way. Way strewn with household goods, chickens, etc., and some bulls and carts with large quantities ammunition, records, etc., abandoned on roads. We have found 3 field pieces, including one gatling, and expect to pick up remainder of 6 with which Noriel's advanced troops left Bifang. Gardener and Schuyler, with remaining troops, camping about 4 miles from here. Will be in by morning. The river crossing mentioned is impassable for wagons—is a rocky gorge torn by rapid streams. Engineers will make every effort to get a crossing, but present indications are that roads are impracticable.

SCHWAN, *Brigadier-General.*

SILANG, *January 8, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

In pursuance of corps commander's instructions, I sent Colonel Hayes to occupy Indang yesterday. Have not yet heard from him, and I am now starting out Hartigan's battalion Thirtieth Infantry for same place. Gardener follows to-morrow with two

remaining battalions, one of which will be pushed on to Naic and the other united with Hartigan's battalion at Indang. Part of this garrison, or all of it, may be sent forward to Fort Quintana, if it proves a more suitable point than Indang. Owing to present impracticability of Bifang roads for 4 miles from Silang, these two battalions will have to be supplied from Naic, to which place I have directed Colonel Hayes to march to-morrow, the 9th instant. Until roads can be repaired and bull carts be employed for hauling, supplies for the two battalions will have to be carried to them by Colonel Hayes's pack trains. Hence, subsistence stores, ammunition, and some clothing should be sent at once, both to Naic and Bifang—first of all to Naic. Hayes's command and Thirtieth Infantry and Schuyler's two battalions Forty-sixth Infantry, the Macabebe scouts, and the mountain artillery have orders to scout the surrounding country in all directions and prevent the egress of the insurgents south. All wheel transportation will remain for the present with Colonel Schuyler, who may be able in time to transfer a few ambulances and light wagons to Gardener, Thirtieth Infantry. It is thought that Schuyler will have no difficulty in keeping his command supplied from Bifang. Road will be repaired and may be made passable for wagons. Meanwhile supplies will have to be packed by Macabebes or natives. All troops are in excellent condition and spirits.

SCHWAN, *Brigadier-General, Commanding.*

SILANG, *January 8, 1900.*

ADJUTANT-GENERAL, *Manila:*

In captures previously reported I have the honor to report the capture of 1 field gun here, \$531 Mexican silver, a number of rifles, 8 boxes Mauser and quantity Remington ammunition, a large amount of powder and records. There was one arsenal here, which we destroyed. Report from Colonel Hayes just received from messenger. He met no resistance until he reached Indang, where enemy, estimated 200, were intrenched. Drove them out and occupied the town, sending out reconnoitering parties to-day, which had not returned at the time of his report. Our casualties: Private James Freeman, Eleventh Cavalry, killed; native guide wounded. Colonel Hayes reports Indang to be insurgent depot; good hospital there, well equipped, containing sick and wounded insurgents. Captured about \$4,000. Reports road Silang to Indang fair, and practicable for wagons except at river crossings, where bridges have been destroyed. Country destitute of forage for animals. I commend highly the work of Colonel Hayes and squadron. They were fourteen hours in the saddle, operating over most difficult roads and in a burning sun. Reconnoissance 3 miles Dasmariñas road to-day; saw few insurgents. Reports roads impracticable for wagons. Brooke, commanding at Bifang, reports town filling up rapidly with people. He has conferred with vice-presidente and headmen and shown order relating to civil government. All want latter established. He reports reconnoissance to Santa Rosa yesterday. I start with Gardener's battalions, daylight, for Indang. Hayes will probably strike Naic some time to-morrow.

SCHWAN, *Brigadier-General.*

General Bates had in person accompanied General Wheaton's troops, and was without direct communication with his column, over which General Schwan was exercising immediate control. The Signal Corps maintained constant telegraphic communication between Manila and the headquarters of both Generals Bates and Schwan. The former was promptly advised from Manila of the movements of the latter, who, in turn, was apprised of the operations of General Wheaton's troops, also those in the vicinity of Calamba, which Colonel Bullard, of the Thirty-ninth Volunteers, temporarily supervised. Upon the receipt of General Schwan's telegram on the evening of the 8th, information and instructions were given as follows:

MANILA, P. I., *January 8, 1900.*

General BATES, *Imus or Dasmariñas:*

General Schwan reports himself with Thirtieth Infantry at Silang, while Hayes, with cavalry, captured Indang to-day, where he met and drove out 200 insurgents with loss of 1 man killed and 1 wounded. Insurgent loss heavy, and a great deal of

property captured. Schwan sent on to Indang to-day one battalion, and follows with two to-morrow, while cavalry will push on to Naic. Reconnaissance made to-day within 3 miles of Dasmariñas and few insurgents seen. Schwan occupies Biñang with one battalion Forty-sixth Infantry; other two with wagon train 4 miles east of Silang, where stopped by river, over which trying to make crossing. He expects to get part of train over soon, and to occupy Silang with one battalion Forty-sixth. We will send rations for cavalry and two battalions infantry to coast near Naic to-morrow.

BARRY, *Adjutant-General.*

MANILA, P. I., *January 8, 1900.*

General SCHWAN, *Silang:*

Two battalions Twenty-eighth Infantry struck enemy near Imus yesterday, killing and wounding 140. Colonel Birkhimer, with other battalion Twenty-eighth, struck insurgents at Binacayan, near Bacoor, driving enemy. Sixty-five killed, 40 wounded, and 32 rifles. Wheaton should have been at Dasmariñas this noon. Insurgents appear to be making fair stand. General Bates reports enemy retreating on Naic. Can not you watch roads south and southwest of Indang, direction Mendez Nuñez and Alfonso, preventing the enemy's retreat in that direction?

BARRY, *Adjutant-General.*

MANILA, *January 8, 1900.*

General SCHWAN, *Silang:*

Pack your wagon trains at Silang, leaving there two battalions Forty-sixth Infantry, and with your cavalry, Thirtieth Infantry, and Macabebe scouts occupy Indang and Naic by Fort Quintana road if practicable. It is not probable that you will find it necessary to occupy either Indang, Silang, or Naic long. General Bates's troops are sufficiently strong to handle insurgents north of your line. He was in Dasmariñas to-day and found it deserted. Supplies with forage will be sent you on coast near Naic to-morrow or early next morning. Let cavalry look out for vessel. Your train can work back to Bifang after a couple of days. In the meantime look out for it, even if you find it necessary to withdraw part of Gardener's regiment. It is not possible to send you additional pack trains at present. Answer, giving suggestions.

BARRY, *Adjutant-General.*

SILANG, *January 9, 1900.*

ADJUTANT-GENERAL:

Under orders sent yesterday, Colonel Hayes's cavalry is now probably approaching or at Naic. We will block insurgents if retreating south. It is inferred from General Bates's telegram, which reached me early this morning, that Dorst, Forty-fifth Infantry, is about to take possession of Quintana, if not there already. To intercept insurgents driven by Dorst, Thirtieth Infantry will be posted as follows: Hartigan's battalion will arrive at Indang, move northwest to Tabauquin. Two battalions are now on the way to Indang. A detachment from there will occupy point about 2 miles east of Indang, where trail comes from Fort Quintana. They will also start in direction of Alfonso. Schuyler (Forty-sixth) will patrol Indang road for 2 miles west of Silang. The position of wagon train, as suggested by you, has already been ordered.

SCHWAN,
Brigadier-General, Commanding.

INDANG, *January 9, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Palace:*

Hayes left Indang early this morning, probably reaching Naic at noon. I arrived here at 12 o'clock with two battalions Thirtieth Infantry. Detached two companies to shut off insurgents' retreat on trails entering Indang from the north. Hartigan's battalion, same regiment, which came here yesterday, starts for Naic at once. It will pass through Alfonso and camp at Maragan to-night, thence will proceed through the towns of Bailer and Maragondon, closing the avenue of escape of insurgents who may elude Hayes or have passed through Naic before his arrival there. This movement promises better results than the one by the route through Palugi. Cavalry

scouts passing yesterday through section south of this point developed nothing noteworthy, except that the inhabitants are fast returning to their homes. Have not yet been able to learn the result of Dorst's (Forty-fifth) contemplated movement on Fort Quintana. Hayes reports the following articles captured by his cavalry while operating between Binang and Indang: Sixty-two rifles, Mausers and Remingtons, of which 34 were destroyed; 4,000 rounds of ammunition; 5 sets telegraph instruments; 1 field gun (included in those previously reported); 4,000 pounds hexagonal powder, destroyed; \$7,193.50 Mexican, belonging to insurgent government, being exact amount of captured money previously reported as amounting to about \$4,000. Thirtieth Infantry is without transportation of any kind, but carries four days' rations in their haversacks. By repairing some bridges that are out, and making some other repairs, Silang-Indang road can be made practicable for wagons in short time.

SCHWAN, *Chief of Staff.*

INDANG, *January 9, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

A scouting party from Thirtieth Infantry, sent in direction of Fort Quintana, struck insurgents' outpost about 4½ miles from here. This seems to indicate that place still in possession of insurgents. Unless instructed to the contrary, will send a force out from here at daybreak to-morrow to drive rebels out of the town.

SCHWAN, *Brigadier-General.*

DASMARIÑAS, *January 9, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

Captain Glasgow, with troop Eleventh Cavalry, reached San Francisco de Malabon early this morning and obtained reliable information of the retreat of the rebels to the south. Lieutenant Way and scouts, Fourth Infantry, reconnoitered to a point 1½ miles east of San Nicolás. He routed a company of insurgents armed, but apparently without ammunition, which scattered in rapid flight in all directions without offering resistance. The insurgent force retreating south from San Francisco de Malabon is estimated at fifteen hundred strong, or seven battalions. It is believed to have gone into the section about Alfonso or Bailen, and Hartigan's battalion, Thirtieth Infantry, which has been ordered to Naic by that road, may strike it. Have accordingly directed General Schwan to be prepared to support Hartigan promptly. A troop Eleventh Cavalry pushed through from San Francisco to Buena Vista. It has reached Colonel Dorst (Forty-fifth), who was at 5 p. m. to-day 2 miles this side of Fort Quintana. Dorst has been delayed by the bad condition of the roads. Wire was sent to General Schwan from this point to-day, for the purpose of completing the line to Naic. The engineer department of Wheaton's and Schwan's brigades are now engaged in repairing road, Dasmariñas and Silang, working from both points. When this road is repaired it will be practicable to supply Silang via Imus, a distance of 16 miles.

BATES, *Major-General.*

MANILA, P. I., *January 10, 1900.*

General BATES, *Dasmariñas:*

Has Dorst's regiment struck Fort Quintana yet? If so, what has been found? What is the situation to-day? It seems that troops might move with more celerity if transportation taken away from them, they carrying three or four days' rations. Have you heard anything of steamer *Wheeling*, off Naic, with supplies?

BARRY, *Adjutant-General.*

DASMARIÑAS, *January 10, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

Have not heard from Dorst to-day. He probably reached Fort Quintana to-day. His rations will be out to-night, and he is probably returning. Have just sent instructions to him to halt one of his battalions where the instructions meet him, as I am sending three days' rations by pack mules for the battalion, and as soon as the rations are received Dorst is to proceed with the battalion to Fort Quintana. The

other two battalions will return here for rations. Schwan's command is situated as follows: One battalion Forty-sixth Infantry at Bifiang; one battalion Forty-sixth Infantry at Silang; one battalion Forty-sixth Infantry (Johnston's) en route from Silang to Indang; one battalion Thirtieth Infantry, 1 gun, at Indang; one battalion Thirtieth Infantry, with 1 gun, en route to Alfonso; one battalion Thirtieth (Hartigan's), en route from Alfonso to Magallanes. Hayes at Naic with instructions to push to Magallanes. The battalions Thirtieth Infantry carry three days' rations, which may be stretched to four or five. Schuyler, Forty-sixth, has ten days' rations for his regiment at Silang. Road being repaired as rapidly as possible from both Silang and Dasmariñas. Further supplies for that point will be obtained by way of road from Imus and Dasmariñas. Hayes has been ordered to push supplies from Naic to Indang. Have received no report yet of arrival of *Wheeling* at Naic. Have had no report yet from battalion Twenty-eighth Infantry, now reconnoitering toward Carmona. Firing in that direction was heard at Imus this afternoon. Major Brooke, Forty-sixth, made reconnoissance as far as Carmona yesterday, but found no enemy. The enemy seems south of the Indang-Naic road. General Wheaton hit them so hard that they seem to have fled the same day.

BATES, Major-General.

MANILA, January 10, 1900.

General BATES, Dasmariñas:

Colonel Bullard wires from Calamba that he attacked enemy south of Calamba yesterday and drove them in the direction of Lake Taal. He is now in possession of Santo Tomas. These insurgents and those escaping from the north may unite at Talisay, on Lake Taal, and make demonstrations on Silang, Calamba, or Santo Tomas. Have directed Bullard to hold strong battalion at Santo Tomas, prepared to support it quickly on Calamba road, should it be attacked, and watch country to the westward. Silang, where wagon train is, should have strong force, and Carmona should be watched. Bullard says that he drove westward on Lake Taal from Calamba and Santo Tomas nine or ten organized companies of insurgents. Have advised Schwan to retain his headquarters at Indang, and not move them to Naic, as he contemplated, holding well his lines from Indang south, and from that point east; that forces under your immediate supervision could look after Naic and points north. I think that one of Dorst's battalions should be pushed through to Silang.

BARRY, Adjutant-General.

DASMARIÑAS, January 10, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS, Manila:

I have just received from Colonel Bullard a report of his very handsome fight of yesterday, resulting in the defeat of the enemy with a loss of 74 killed and wounded; our loss being 1 man killed and 2 officers wounded. Have directed Colonel Bullard to keep the road open and repair the telegraph to Santo Tomas. Have ordered the Thirty-eighth Infantry, Colonel Anderson, to proceed to Talisay via Silang and attack the enemy wherever found. Colonel Dorst brought back two battalions of his regiment to Dasmariñas for rations to-day, and will take them back to-morrow to Fort Quintana and will reconnoiter in various directions from that point.

BATES, Major-General.

DASMARIÑAS, January 10, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS:

Your dispatch of this date received. Will send a battalion of Dorst's Forty-fifth regiment through to Naic to-morrow. The troop of Eleventh Cavalry with Dorst returned to San Francisco de Malabon this afternoon. Another troop from that regiment was sent from San Francisco via Santa Cruz and Calibayo to Naic. Have not yet heard from this troop, from which I conclude that it has not met with any serious opposition, as its orders were in case it met with serious opposition to fall back and report at once. The road from Dasmariñas to Silang is now in good condition, and Anderson will drop his wagons at Silang and push on without transportation to Talisay. I shall go to Indang via Silang to-morrow.

BATES, Major-General.

MANILA, January 10, 1900.

General SCHWAN, *Indang*:

Two telegraphic instruments, 8 miles wire, officer and 1 enlisted man, signal corps, sent by vessel *Whodling* yesterday to Naic; also 10,000 field rations, 3 days' forage, and other supplies. Have not heard from vessel. Indang important point and apparently proper place for your headquarters. Troops with Bates can take care of Naic and all points in Cavite, north and east. Enemy will endeavor to pass south of you into Batangas province, eastward or westward of Lake Taal. Insurgents considered Indang and Naic their strategic points. Telegram just received from Calamba reports fight south of Calamba yesterday, and enemy driven westward on Lake Taal. Your lines from Indang, south and east, are the lines to be watched.

BARRY, *Adjutant-General*.

INDANG, January 10, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila*:

Hayes's column reached Naic at 2 p. m., yesterday. Encountered about 200 insurgents about 2 miles east of Naic. Drove few south, but most of them back on Naic—Quintana road. Supposed to come from Novaleta. About 100 in Naic retreated on Magallanes without resisting. Thirteen insurgents known to have been killed. Our casualties: Killed, Private Napier, 1 Troop, Eleventh Cavalry; wounded, Private John W. Maywell, same troop, slight, and Private Peter Madden, B, Fourth Cavalry, severe. Fought in rice fields, knee deep in water and mud. Inventory of property taken to be forwarded later. Hartigan, Thirtieth, will be moved on to Magallanes this morning, and Gardener, with one battalion, started at 6 a. m. in supporting distance. Am ordering Johnston's battalion, Forty-sixth Infantry, three companies, here this morning to meet situation to-day and to-morrow. It may be returned then to Silang.

SCHWAN, *Brigadier-General*.

While these operations were in progress the insurgents in the vicinity of Calamba were active, and indeed had been ever since our troops had taken possession of that city. In my last annual report, rendered on August 31, it is thus referred to:

On July 26 Calamba, which had been strongly intrenched and supposedly firmly held, was captured by General Lawton's troops, consisting of the Twenty-first Infantry, a squadron of the Fourth Cavalry, and a battalion drawn from the Washington regiment, all placed under the command of Brigadier-General Hall, with the loss in casualties of 3 men killed and 11 wounded. The insurgents stoutly resisted, but, as it has always happened in such cases, they experienced a costly discomfiture. Los Banos, the location of an expensive hospital erected by Spain, was also taken, and the two places are still held by our troops, composed of a platoon of Light Battery F, Fifth Artillery, and the entire Twenty-first Infantry. Several attempts have been made to dislodge them by concentrated forces of the enemy, which have resulted in failure and severe punishment.

The place continued to be a point of attack for the enemy, as it was to him important, since by holding it we blocked communication between the lake cities, except by a circuitous route to the south.

In a former portion of this report we have mentioned an attempt of the insurgents on the night of October 20 to drive our troops out, and the engagements which took place there on the 23d and 24th of that month, after reenforcements had been furnished the commanding officer, Colonel Kline, in response to his request. These engagements gave but temporary relief, as the enemy returned to his intrenchments, which we had captured, as soon as our troops were withdrawn, and we were obliged to retire, as the intrenched line was too long for us, with the strength available, to occupy permanently and still keep secure Calamba and Los Banos. The locality, too, proved to be

unhealthy, so that not only an additional number but an exchange of troops became necessary. This was effected by withdrawing the Twenty-first Infantry the latter part of December, replacing it by the remainder of the Thirty-seventh and Thirty-ninth regiments of volunteers. The country south of Calamba to and beyond Santo Tomás, which latter place was situated on the road connecting northern Batangas and the Laguna Province, was much broken, and the Calamba and Santo Tomás road ran through defiles and over mountains which offered every advantage for successful defense. This the insurgents had strongly fortified to check our advance southward. I was informed in November that the preparations which the insurgents had made there would present formidable difficulties to any movement in that direction we might be contemplating.

Our intention, therefore, was to hold Calamba and Los Banos, and to move into the country south by the roads running west from Santo Tomás and Tanauan, both very important points and the headquarters of the insurgents who continued to annoy Calamba. To the east of Los Banos at Santa Cruz an insurgent force was maintained. This was reported in December by escaped Spanish prisoners to number 1,500, mostly armed with Mauser rifles, but short of ammunition, and so poorly provided with subsistence that it was seizing the provisions of the residents whom it was compelling to leave the town. Colonel Bullard, of the Thirty-ninth Regiment, who was in command at Calamba, attacked the enemy to the west of the city, drove him northward up the shore of the lake, inflicting upon him serious damage, and placed detachments at Cabuyao, Santa Rosa, and Biñang. As soon as he had reported this information he was instructed as follows:

MANILA, January 3, 1900.

Colonel BULLARD, *Calamba*:

You did right in attacking insurgents' line around Calamba, but should not have pursued. The bulk of the insurgents investing Calamba were withdrawn a few days ago southward, to the vicinity of Santo Tomás, where there has been a considerable concentration. Noriel's force in the lake towns withdrew temporarily for attack on Zapote and Paranaque, where he was confronted on the night of the 1st by the Thirty-eighth Regiment. You will withdraw your troops to Calamba, watching your left in the direction of Santa Cruz and your front in the direction of Santo Tomás. Do not move from the vicinity of Calamba without orders from superior authority.

SCHWAN, *Chief of Staff*.

A detachment of the Thirty-seventh Infantry, making a reconnoissance to the eastward of Los Banos, captured at the near town of Bay General Rizal, of the insurgent army, brother of the so-called Filipino martyr, Dr. Rizal. Bay is the home of the Rizal family, although the mother and sisters of the general had sought the protection of Manila, where many of the families of insurgent officers were at the time living, that being the only place which promised personal security. Major Boyd, of the Thirty-seventh Infantry, reported that with the property captured was a chest containing the bones of Dr. Rizal, and he was instructed to retain the general and his personal property at Los Banos until inquiry could be made, as it was possible that he was not carrying on war against the Government, since he was taken upon his own private estate. Shortly thereafter the major was instructed to forward the general under suitable guard to Manila, permitting him to retain and bring with him the chest, and to send with the guard a

correct inventory of all his property which had been seized, preserving same for return if considered advisable. Arriving at Manila, the general was found to be quite ill, and was sent to his mother's residence under guard upon his promise to report at the office next morning. Reporting in accordance with his promise, all argument failed to convince him that he had committed any political error or that he was guilty of an individual offense, whereupon he was directed to return to his mother's house and after a few days' reflection report again at headquarters, having been granted in the meantime the liberty of the city in order to see and converse with his Filipino friends. When he subsequently reported, he had concluded to take no further part in rebellion, and upon his promise he was permitted to return to his estate at Bay, where he continued to conduct himself as an exemplary private citizen.

On January 10 the following information was received from Calamba:

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

The enemy appearing in considerable numbers and strengthening his works to the south and southeast of Calamba, about 1 mile from the town, I attacked him yesterday morning 6 o'clock in three columns; one column to the west of the Santo Tomás road under command of Captain Taylor of the Thirty-ninth Infantry; one along the Santo Tomás road under Major Langhorne, Thirty-ninth Infantry, who had with him Lieut. Charles P. Summerall with one 3.2-inch gun, one Gatling, and one Hotchkiss mountain gun. The third column, consisting of portions of Thirty-seventh and Thirty-ninth Infantry, under my immediate command, moved over the mountains by a circuitous route and took the enemy between Santo Tomás and Calamba on his right flank and rear. The first and hardest fight was in the enemy's trenches here within a mile of Calamba, along the Santo Tomás road southward. One man of Company E, Thirty-ninth Infantry, Private Walker C. Hoskinson, was killed; Lieutenant Petite, Thirty-ninth Infantry, received a flesh wound in both legs, not serious, and Capt. H. C. Baker, Thirty-ninth Infantry, had right ear perforated by bullet. The enemy fought along the Santo Tomás road for about 4 miles, making three stands in strongly fortified places; the last one at Puente de Vega, an extensive fort supposed to be impregnable, with a great iron bridge in front over river banks about 40 feet high and precipitous. The column that moved over the mountains came in behind this bridge and on his flanks. The enemy was beaten and driven westward, some of his force over against Lake Taal, but the bulk, as seen from the mountains, passed to the north edge of Lake Taal. As nearly as could be ascertained, there were nine or ten organized companies in the trenches about Calamba and in the fortifications at Puente de Vega. At the sound of our firing in the early morning all insurgent troops moved forward to Puente de Vega, north of Santo Tomás about 3 miles, to assist in the defense. The troops of the column under my immediate command, which had moved over the mountains, passed in behind these troops at Puente de Vega. After the fight Santo Tomás was entered without a shot being fired. Twenty-four of the enemy were killed and found on the field. The number wounded is unknown, but from the hills to the south, by which one column approached Santo Tomás, many wounded could be seen being carried to the rear toward Lake Taal. Two bamboo cannon, two brass mortars, some rifles, and a good deal of ammunition, with some military papers of no importance, were captured. All officers and troops behaved excellently. I am to-day repairing road to Santo Tomás with some 60 prisoners who were cut off in their retreat toward the north edge of Lake Taal, on almost all of whom, when captured, ammunition was found. The telegraph line between here and Santo Tomás can be repaired in a day. Please wire me whether I shall keep open the road and repair telegraph line between here and Santo Tomás. Telephone line between here and Bifang completed. Country clear of insurgents. Forces to-day all along road to Santo Tomás and scouting country from Santo Tomás westward to Lake Taal at request of General Bates.

BULLARD, Colonel, Commanding.

On this date General Bates was at Dasmariñas and General Schwan at Indang. The cavalry had reached Naic, striking portions of the enemy retreating from Novaleta and Imus on the Naic and Fort Quintana roads. Insurgent detachments, moving in small bodies of from

one to two hundred, had succeeded in passing our Silang-Indang and Naic line, and either were endeavoring to gain the mountainous coast country of Cavite and Batangas or, moving by Bailer or Magallanes, would attempt to enter the Batangas province by the Talisay road which skirts the northern coast of Lake Taal. It is probable that only the minor portion of the insurgents crossed General Schwan's line—the majority seeking their homes in Cavite where they concealed their rifles and assumed the role of "amigos." As soon as General Bates at Dasmariñas received information of Colonel Bullard's march on Santo Tomás, he comprehended the situation and immediately dispatched one of his regiments, the Thirty-eighth (Anderson's), for the town of Talisay and sent word to Bullard to hold the Calamba and Santo Tomás line. Not being aware at Manila that General Bates had been informed of Bullard's movement, we wired the latter, on the receipt of his message, the following:

MANILA, P. I., January 10, 1900.

COMMANDING OFFICER, *Calamba*:

Insurgents in Cavite province in retreat on Batangas province, driven by troops with Generals Bates and Schwan. General Schwan's headquarters at Indang, and he is holding lines south and east of that point, having his cavalry on coast. Troops with General Bates operating north of this line. The insurgent troops escaping from the north may unite with those driven by you westward. You will hold strong position of Santo Tomás, prepared to reinforce it from Calamba, or some point between Calamba and Santo Tomás, should it be attacked, and watch well the country between Calamba and Lake Taal. The enemy from the north and east may concentrate at Talisay, north of Lake Taal, and endeavor to move on Silang, Santo Tomás, or Calamba.

BARRY.

After sending this dispatch we sent to General Bates the telegram which appears on a former page, advising him of Colonel Bullard's success, the instructions which we had given him, and recommending that he forward a battalion of Dorst's regiment to Silang. Upon the following morning, after General Bates had reported his action, Colonel Bullard was instructed as follows:

MANILA, January 11, 1900.

Colonel BULLARD, *Calamba*:

Colonel Anderson, Thirty-eighth Infantry, with entire regiment and 4 guns, left Silang for Talisay at 9 o'clock this morning. Other troops en route in that direction. Be sure you leave sufficient force at Calamba and Los Baños to hold those positions, and do not press troops south until troops from northwest arrive in vicinity.

BARRY, *Adjutant-General*.

In the afternoon Colonel Bullard reported the operations of a portion of his force west of Santo Tomás, the substance of which was transmitted to General Bates at once:

MANILA, P. I., January 11, 1900.

General BATES, *Dasmariñas*:

Colonel Bullard has just wired from Calamba that "Major Cheatham, Thirty-seventh Infantry, with 106 men, met and fought insurgents 2 or 3 miles west of Santo Tomás this morning. Cheatham was supported by Summerall's guns, and the enemy were driven away. Summerall's artillery commands the country between Lake Taal and Santo Tomás. There are at Santo Tomás and vicinity 600 American troops. Enemy reported at Lipa, thoroughly organized, having 1,400 troops. I am leaving Calamba now with 275 men of the Thirty-seventh Infantry for Santo Tomás. Cheatham reports one gun with enemy in his front." Colonel Bullard has been instructed that Thirty-eighth Infantry left Silang for Talisay this morning at 9 o'clock, and has been instructed to make secure Calamba and Los Baños and not to force enemy south until troops from northwest arrive.

Do you want any more supplies at Naic?

BARRY.

General Bates proceeded from Dasmariñas to Silang, thence to Indang, the headquarters of General Schwan, on January 11, and from that point telegraphed the locations and contemplated movements of his troops. He said that Anderson's regiment and Buckey's four guns had left for Talisay; that scouting on the Naic road failed to discover any detachments of the enemy; that a battalion of the Twenty-eighth Infantry had been sent from Dasmariñas northeast to Muntinlupa, on the west coast of the Laguna de Bay, and were fired upon by armed bodies of the enemy, which it dispersed, killing 2 and capturing 1 wounded insurgent; that the Dasmariñas and Silang road had been made available for wagon transportation; that the road between Indang and Naic was practicable; that he left General Wheaton at Dasmariñas; expected to have telegraphic communication to Silang by way of Imus that evening, and that the supplies sent from Manila had reached Naic on the previous day. General Schwan also reported on that day, suggesting movements, and was informed that he must be governed by conditions as developed. His report and the reply are as follows:

INDANG, *January 11, 1900.*

ADJUTANT-GENERAL:

So far as can be ascertained, no large bodies of insurgents are passing south. Small bands are forming in that direction, avoiding trails and moving through woods. Most all of these believed to be making for their homes. One battalion Forty-sixth Infantry thought to be sufficient as garrison for each town of Indang, Silang, and Binang. This disposition would leave Hayes's cavalry and Thirtieth Infantry force for contemplated movement through Batangas, as already explained in detail and approved by General Bates. Sent battalion Thirtieth Infantry, under Colonel Gardener, to Bayugundan, Lake Taal, to-day, with orders to cooperate with Anderson's movement on Talisay by cutting off enemy's retreat.

SCHWAN, *Brigadier-General.*

MANILA, *January 11, 1900.*

General SCHWAN, *Indang:*

Don't know your contemplated plan on Batangas. One battalion sufficient for Indang and Binang, but your train should have strong guard if left at Silang, although six companies would be sufficient. This would give you the cavalry, the Thirty-eighth and Thirtieth Infantry, and part of Bullard's force for movements in Bantanas. The Thirty-eighth, to be followed by the Thirtieth, should be moved expeditiously to southeast through Tanauan, prepared to take road to Lipa or San Pablo as later developments may require, since it is believed insurgents intend to retreat on San Pablo, probably by Rosario, although cavalry at that point and Tiaoan, few miles south, would keep them in Batangas. Can not give definite instructions. You must be guided by conditions as ascertained by you.

BARRY, *Adjutant-General.*

To these instructions General Schwan replied on the following day:

INDANG, VIA CALAMBA, *January 12, 1900.*

ADJUTANT-GENERAL, *Manila:*

The following telephone message just sent by me to General Bates, who is at Silang, respectfully repeated for the information of the corps commander: "Plan of campaign, as stated in telegram just received, contemplates adding Thirty-eighth Infantry and Bullard's field force to Thirtieth Infantry and Hayes's Cavalry, for operations on line extending from Tanauan south of Santo Tomás, through San Pablo, Tiaoan, and Rosario." This plan appears to me to be a good one. If approved by you, I propose to move with Thirty-eighth Infantry, followed by Thirtieth, to Tanauan and to direct movements from that point or Santo Tomás. Cavalry should proceed to same point via Silang or Talisay and could be started out immediately. For the supply of this command it would be desirable that wagon train, now at Silang, be returned without load to Binang and then sent to Calamba."

SCHWAN, *Brigadier-General.*

INDANG, VIA CALAMBA, *January 12, 1900.*

ADJUTANT-GENERAL:

Had conference this morning at point midway between Silang and here with division commander, to whom I showed your message of yesterday. As a result orders have been issued under which Hayes's cavalry and Thirtieth Infantry start to-day from their several stations by a different route for Santo Tomás via Talisay. My headquarters go to Silang to-night and proceed early to-morrow morning to same place. Division commander had advised Colonels Bullard and Anderson of the incorporation of their regiments into this expeditionary brigade. He has directed the transfer of the supply train, empty, from Silang to Calamba, where it will be invaluable in hustling supplies to the front. Wheeled vehicles do not accompany any part of the brigade, and it is intended to give it the greatest mobility. Silang, Indang, and Biñang are to be garrisoned each by a battalion of the Forty-sixth Infantry. Headquarters of regiment at Silang.

SCHWAN, *Brigadier-General.*

On this same day Colonel Bullard telegraphed the following from Santo Tomás:

SANTO TOMÁS, *January 12, 1900.*ADJUTANT-GENERAL, *Manila:*

I have the country from Calamba to Santo Tomás and from Santo Tomás to Lake Taal closed up and thoroughly scouted. Large number of young men in civilian clothes and unarmed wandering through country to northwest of Santo Tomás. Some captured admit that they were soldiers and say that they, the unarmed, are ordered to escape from the country back toward the north. I am turning back all that I can find, both civilians and soldiers. Some well-equipped men to the south of Santo Tomás, probably 300. They have new Mauser ammunition. Five men captured on insurgent outpost duty without arms and in civilian dress. Thirty-eighth Infantry has just arrived here.

BULLARD, *Colonel Thirty-ninth Infantry.*

In the meantime the operations of the Thirtieth Infantry south of Indang were reported by both Generals Schwan and Bates, the latter also forwarding information of movements of other organizations. They wired:

INDANG, *January 12, 1900.*

ADJUTANT-GENERAL:

A detachment from Hartigan's Battalion under Lieutenant McCabe pushed forward from Magallanes to Maragondon; reports that on the 9th instant a large body of insurgents with which Trias was present, passed the latter place, going south, on their way to the mountains. This was probably the advance of the force which was dispersed by Colonel Hayes at Naic, and the bulk of it retreated on the Fort Quintana road.

SCHWAN, *Brigadier-General.*SILANG, *January 13, 1900.*ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

The following dispatch received yesterday from General Schwan: "Indang, January 12.—Adjutant-General First Division: Major Hartigan, Thirtieth Infantry, after detaching in Alfonso two companies of his battalion, moved with remaining two companies to Magallanes. On 10th instant captured outpost, drove party 50 insurgents beyond outpost, capturing a colonel, and had combat with about 200 insurgents in the town of Magallanes, putting them to rout, killing 3 and capturing 20 men, also 8 rifles. No casualties on our side. Insurgents dispersed in different directions, some going north and others going south. No other troops have passed Magallanes." General Schwan arrived here last evening and left this morning for Santo Tomás, which point he expects to reach this evening. Colonel Hayes with nine troops cavalry is expected here this morning on his way to Santo Tomás via Talisay. Thirty-eighth Infantry arrived at Santo Tomás last evening. General Wheaton will establish his headquarters at Silang, and is expected here this morning. Two battalions Forty-fifth Infantry are to be stationed at Naic. One is already there, and another has been ordered there from Fort Quintana. Owing to difficulty of supply at latter point, the headquarters Forty-fifth Infantry will be at Naic.

BATES, *Major-General.*

Lieutenant-Colonel Hayes, with his nine troops of cavalry, and Major Steele, with his battalion of the Thirtieth Infantry, arrived at Silang from the west on the morning of the 13th and departed for Santo Tomás by way of Talisay. The other two battalions of the Thirtieth Infantry were directed to move to the same point along the road skirting the north shore of Lake Taal. General Wheaton established his headquarters at Silang, and General Schwan's wagon transportation had been moved from Silang and was en route, by way of Biñang, to Calamba, to which the necessary subsistence and forage was being shipped from Manila in cascoes by the Pasig River and across the Laguna, and from which supplies for General Schwan's column were to be sent by wagon over the Calamba and Santo Tomás road.

General Bates had distributed the Twenty-eighth Infantry through eastern Cavite, the Fourth Infantry through its northern portion, and the Forty-fifth along the western Cavite coast, with headquarters at Naic, where a portion of the Eleventh Cavalry was placed. The Forty-sixth Infantry occupied the Silang and Indang line, scouting to the southwestward into western Batangas. General Schwan, with his newly organized command, was directed to attack and disperse the forces of the enemy east and south of Lake Taal, wherever they might be found in the provinces of Batangas, Tayabas, and Laguna.

Changes, too, were being effected among the troops around Manila, where an expedition for the extreme southeastern section of Luzon and the islands of Samar and Leyte was being organized, to be placed under the supervision of General Kobbé, who was withdrawn from the south Manila line over which he had been exercising command for a short time. General Hall was instructed to resume again immediate supervision of the entire Manila line, to withdraw therefrom the Forty-third and Forty-seventh regiments, (Colonels Murray and Howe) to place therein a portion of the Twenty-ninth and Forty-first regiments and to retain two companies at the outpost of Muntinlupa on the Laguna.

We will now present the rapid and very successful movements of General Schwan's column to the south and east of Santo Tomás, relying upon the telegraphic correspondence to convey a fair impression of his operations. The following telegrams passed:

SANTO TOMÁS, January 14, 1900.

ADJUTANT-GENERAL, *Palace*:

Arrived here last night in advance of troops of my command, coming from Silang through Talisay. Anderson, Thirty-eighth, and Bullard, Thirty-ninth, had moved south on road to Lipa. Report early this morning shows them to be in that town, where they have orders to wait. I have ordered the following disposition, which will be effected to-day: One battalion Thirtieth Infantry, Santo Tomás; one battalion Thirty-seventh Infantry, San Pablo; Hayes's Cavalry Tiaoan, via San Pablo; brigade headquarters will go to Lipa. Shall send battalion Thirtieth and gun from this place to San Pablo, relieving battalion Thirty-seventh Infantry, which will push on via Tiaoan and rejoin this command at Rosario. One battalion Thirty-ninth will be sent here to relieve battalion Thirtieth, and garrison Santa Tomás and Tanauan; another battalion Thirty-ninth will be left at Lipa. It is intended that cavalry will also rejoin at Rosario. The artillery (van Deusen's, Summerall's, Buckley's), six guns in all, will move with command south via Lipa. The wagon train, 21 wagons, is due Calamba to-day. I propose loading this with 20,000 rations, comprising staple components only, and supplying the troops by means of it. I shall need supplies for men and animals at Batangas, but will communicate in reference to this in a subsequent telegram. The troops move speedily this morning for San Pablo, Tiaoan, the commanding points, but in order to reap full benefits, the movements south from Lipa must be delayed until all the dispositions above mentioned are completed. This will probably delay movement south from Lipa until to-morrow or next day.

SCHWAN, *Brigadier-General*.

SANTO TOMÁS, January 14, 1900.

ADJUTANT-GENERAL:

Major Cheatham's Battalion Thirty-seventh Infantry, en route to San Pablo, encountered about 3 miles from here a force of about 400 insurgents, routed them, the majority retreating in the direction Aliminos. Some fell back toward Tanauan. Enemy's loss unknown, but left five dead on field. Private Schaffer, Company C, wounded, has been returned to Santo Tomás. No other casualties. Cavalry has overtaken Cheatham, and will sweep country in its front of insurgents.

SCHWAN, *Brigadier-General.*

LIPA, January 15, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS:

My headquarters were moved to this place yesterday. I arrived 8 p. m. The Thirty-eighth and Thirty-ninth regiments and Summerall's artillery, 3 guns, under Colonel Anderson, Thirty-eighth, had advanced from Tanauan, and by my orders forwarded by courier, were holding position here until my arrival. Colonel Anderson reports of his march and operations in substance as follows: He left Tanauan 6 a. m. 13th, proceeding along high road toward Lipa. Encountered small detachments of enemy firing occasional shots only, until he reached Luta where quite a brisk resistance was made which was promptly overcome. More resistance offered from intrenchment thrown up across the road short distance farther on. This was also overcome, the artillery under Summerall being used in both cases; otherwise no resistance, and Lipa peaceably occupied. Hearing of American prisoners retiring with insurgents from here, Colonel Anderson with 10 other officers and orderlies, all mounted, pushed rapidly forward to Rosario, liberated at latter place 60 Spanish prisoners, and captured about \$20,000 which the enemy was taking off in carts. Enemy's losses unknown, but 8 dead found and a dozen wounded. Our casualties, 1 killed, 1 mortally and 1 slightly wounded. Names will be reported later. About 200 Spanish prisoners liberated and now here will be started for Calamba with returning train, possibly to-day.

SCHWAN, *Brigadier-General.*

MANILA, January 15, 1900.

General SCHWAN, *Santo Tomás, Tanauan, or Lipa:*

Reported here that enemy has a large and well equipped force at San Pablo. Rations and transportation will be sent to Batangas as requested by you.

BARRY.

BATANGAS, January 16, 1900.

ADJUTANT-GENERAL EIGHTH ARMY CORPS:

Following results accomplished by portions of this command since last report from Lipa the 15th: Hayes's cavalry passed Cheatham (Thirty-seventh), and took San Pablo. Insurgents firing from behind brick wall were soon driven out with a loss of 8 killed, 3 wounded, 15 guns, 200 rounds ammunition, material destroyed. Hayes left guard at town to await Cheatham and proceeded on, camped at Tiaogan, and started 3 p. m. next day for Rosario. Met insurgents' outpost 3 miles from Tiaogan, drove it across river into intrenchments. Bridge over river was destroyed by enemy. Our men had to cross on bamboo poles and drive enemy out, killing 3. Four miles from Rosario met mounted patrol of enemy, which opened fire on our front. Fire returned, killed 2. Camped at Rosario 15th, and moved here by Ibaan, arriving 1 p. m. to-day without further opposition. No report yet from Cheatham, who followed Hayes on, he being relieved by Lovering's battalion, which started from Santo Tomás at 3 a. m. 15th. Other column left Battalion Thirtieth (Hartigan's) to hold Santo Tomás and Tanauan till arrival of Bullard's headquarters with one battalion, Thirty-ninth, which I sent back from Lipa 4 a. m. 15th. Hartigan now en route here. Left one battalion, Thirty-ninth (Mulford's), at Lipa and proceeded by three roads to Batangas with remainder of command; Anderson's (Thirty-eighth) two battalions, and 3 guns, through San Jose; Muir's battalion, Thirty-eighth, by Rosario and Taisan; Gardener with one battalion, Thirtieth, Macabebe, and 2 guns, by Ibaan. Brigade headquarters went with center column. All moved to line San Jose, Ibaan, Taisan yesterday, and advanced on Batangas this morning. Gardener's advance found about 80 of the enemy intrenched outside of town and drove them toward Muir. Pushing on, Gardener met light fire from convent. Drove enemy in small numbers and occupied town. Three Filipinos killed.

Muir met light resistance at Rosario, killing 1 Filipino. Approaching this town met band of insurgents formed as skirmishers. In ensuing engagement, killed 2, wounded 8, captured 74, including 2 captains; also 11 rifles and 1,074 rounds of ammunition, 21 bolos, and 3 revolvers. At Taisan he released 69 Spanish prisoners now here. Anderson followed Gardener into Batangas. One of his battalions sent to occupy Bauan temporarily. No casualties in command since last report from Lipa, 15th. Filipino paymaster captured here with \$220.

SCHWAN, *Brigadier-General.*

On January 15, the day preceding General Schwan's entrance into Batangas, the authorities of that city had agreed to surrender the place to the United States authorities, represented by the naval commander of the gunboat *Maricela*, which was coasting along southwestern Luzon, but when the crew of that vessel was about to take possession the insurgent flag was raised above the rebel intrenchments along the beach, which were at once strongly and defiantly manned, whereupon the vessel shelled the town, but with what results was not ascertained. As soon as the place was taken by our troops the vessel kindly received an officer and 50 men of the Thirtieth Infantry, and transported them to the town of Lobo, southeast of Batangas on the coast, for the purpose of releasing American prisoners reported to be held there by the enemy. These troops were landed at Lobo, but were unable to discover or obtain any information of the reported prisoners, and returned to Batangas. Ten thousand field rations, together with clothing for the troops and property required by the cavalry, were sent from Manila to Batangas on January 18, with instructions to General Schwan to take for field service such portions of the same as he needed, and to leave there the remainder for the garrison which was to permanently occupy the city after his departure eastward.

On that and the following day the General reported as follows:

BATANGAS, *January 18, 1900.*

ADJUTANT-GENERAL:

Mulford's battalion, Thirty-ninth, will leave Lipa for San Pablo on direct trail on 19th. Langhorne's battalion, Thirty-ninth, left here the 17th for Rosario, whence it will proceed, via Tiaoan, to San Pablo. This battalion will probably be joined by that of Major Cheatham, Thirty-seventh, which is to be turned back to San Pablo. Summerall's artillery will accompany this column. Cavalry will leave here on its mission on 19th instant, carrying seven days' rations, and going via Rosario and Candelaria, the road by San Juan and Lucena being impracticable. It will turn over, at or near Tayabas, prisoners it may liberate and captures it may make, to the companies of infantry from Rosario battalion which is to follow it from Tiaoan. Having completed its task, cavalry will march to Santa Cruz via Lucban, Luisiana, and Cavinti. It will depend for supplies on Santa Cruz. Its return movements will cover country indicated in instructions, and will, it is thought, prove especially effective. Upon arrival of supply ship, two battalions Thirtieth Infantry will set out for San Pablo, on Tiaoan road, accompanied by transportation carrying subsistence stores, also shoes and trousers for organizations which preceded them. These battalions will march via Tiaoan, which road is being repaired to make it practicable for wagons. Brigade headquarters leaving here on the 19th, by Lipa, will reach San Pablo on 20th. There I expect some supplies by wagon train from Calamba, going via Los Baños, train to be properly escorted. In due time a garrison ought to be placed at Tayabas, to be supplied from Lucena or Paghila. Have secured for Colonel Hayes plan of Tayabas. From San Pablo infantry column will proceed to Santa Cruz via Lilio and Magdalena.

SCHWAN, *Brigadier-General.*

BATANGAS, *January 18, 1900.*

ADJUTANT-GENERAL:

Report just received from Cheatham, Thirty-seventh, at Rosario, where he arrived from San Pablo on the 16th without opposition. Major Langhorne, Thirty-ninth,

reached Rosario to-day. En route he met small body of insurgents. Killed 1, captured rest with 4 ponies. Insurgents in uniform. One of his companies proceeding to Rosario was fired into. One man killed. Was attacked by bolomen and 1 man was slightly wounded. Names will be reported later.

SCHWAN, *Brigadier-General*.

BATANGAS, *January 19, 1900.*

ADJUTANT-GENERAL:

Colonel Bullard reports from Santo Tomás that improvised pony pack train, escorted by Lieut. F. W. Ralston, with 50 men, Thirty-eighth Infantry, while on its way with 700 rations for San Pablo, was ambushed near Aliminos morning of 18th. Train was lost; one of the scouts killed, 5 wounded, and 9 missing. Bullard thinks some of the missing made their way to San Pablo. Party evidently surprised as escort was large enough for small train. Three additional battalions will reach San Pablo early to-morrow. Have arranged to send there from Santo Tomás reserve supply of rations. Troops on their way to San Pablo can get along with what rations they have until they reach Santa Cruz, which it is expected will be occupied on the 22d instant.

SCHWAN, *Brigadier-General*.

General Schwan, having received the supplies absolutely needed by his troops, was ready to continue his operations eastward. The commanding general of the First Division (General Bates), who had returned to his headquarters in Manila, leaving affairs in Cavite and on the west Batangas coast to be supervised by General Wheaton, instructed him on January 17 to leave the Thirty-eighth Infantry in southern Batangas (one battalion in the city of Batangas, one at Lipa, the other at Rosario), and direct it to scout actively in an easterly direction, as General Wheaton's troops would look after all country near the towns of Lucena or Taal, and westward. He was instructed to send cavalry out on the Rosario and Candelaria road, to signify when and where they should be rationed and foraged, and with all remaining force move on San Pablo, thence east and south of Santa Cruz into the mountain districts, where a large force of the enemy was reported depending on Santa Cruz for further supplies. At least one battalion was to be retained at each of the points, Santo Tomás, Calamba, and Los Baños. Under these instructions General Schwan, upon reaching Rosario on January 19, required for supplies for 2,400 men and forage for 650 animals, at Santa Cruz, on the south shore of the Laguna de Bay, which he expected to reach on the 22d; reported that Cheatham's battalion would reach San Pablo early the following morning, and that his headquarters, with Langhorne's and Mulford's battalions, would arrive there during the day; that Steele's battalion of the Thirtieth should report there the evening of the 20th, and that Hayes would leave his camp at Tiaoan early in the morning on his route eastward.

No further information was received from General Schwan until January 24, owing to lack of telegraphic communication and his inability to send scouts with any prospect of success back to Santo Tomás or Los Baños, the extreme points to which the telegraphic line had been constructed, because of the scattered fragments of the enemy's force which infested the country through which he was moving. In the meantime the three army gunboats on the Laguna de Bay were sent to Santa Cruz to assist the troops marching on that strongly entrenched position (due there on the 22d), accompanied by a number of cascoes laden with subsistence, clothing, and forage. These boats reported off Santa Cruz the evening of the 21st and the morning of

the 22d. A few shells were fired at the intrenchments, which elicited no response, when the crews were landed, found the place deserted, and were informed that 500 of the enemy had rapidly moved out the previous evening, retreating eastward to the mountains. The enemy was obliged to evacuate with celerity to prevent capture, as our troops were descending on the city from all practicable roads to the southward. General Schwan telegraphed from Santa Cruz on January 24, giving a brief résumé of the operations of his column since leaving Rosario and submitting suggestions as to future stations of troops, which are as follows:

SANTA CRUZ, *January 24, 1900.*

ADJUTANT-GENERAL EIGHTH ARMY CORPS, *Manila:*

Report as follows operations my command since last report from Rosario: Colonel Anderson, at Batangas, received request from Major Johnston, Forty-sixth, on 20th instant for assistance, ammunition, and rations at Lemerí. Sent three companies under Muir, and later followed himself. Attacked trenches at Taal, driving out enemy, estimated at 400 strong, and occupied the town. Reports many enemy killed. Our casualties all of Thirty-eighth. Anderson left one company to garrison Taal and returned to Batangas with rest of command. I moved from Rosario morning of 20th with Thirtieth Infantry, followed by Cheatham's and Langhorne's battalions, on road to San Pablo. Passed Hayes's cavalry on road to Tiaocan about 11 a. m. Marched without incident, arriving San Pablo about 2 p. m. same day. Lovering reported that on preceding day a reconnoitering party of 1 officer and 53 men had been attacked while taking midday meal near Concepcion. Our casualties 2 wounded. Enemy's loss 6 killed and some wounded. It appears that carelessness and neglect of ordinary precautions were permitted. Have ordered thorough investigation. Full report by mail. I immediately sent company Thirty-seventh to reconnoiter beyond Concepcion on Santa Cruz road. Company developed intrenched position of enemy near San Diego, with strong trenches extending both sides and fully commanding road, which ran on narrow ridge with very precipitous sides. Moved out with command on 21st, at noon, after substituting Hartigan's battalion for Lovering's as garrison at San Pablo. Sent Cheatham's battalion and 1 gun to turn enemy's left flank. We found enemy about 500 strong and fought him for about two hours. He had line of trenches extending in semicircle a mile long, and, except on roadside, was concealed in thick jungle. Enemy was driven out with loss, as officially reported by officers, of 67 killed and a large number wounded. Langhorne's battalion, Summerall's 3.2-inch and Maxim-Nordenfeldt guns, and Given's company constituted the advance guard. During engagement two companies and sharpshooters Thirtieth Infantry moved up to firing line. Our casualties 1 killed and 13 wounded.

Cheatham moved by trail, but was unable to come in on flank, owing to difficult country. Pushed on, however, crossing range of hills, and came upon intrenched detachment of the enemy numbering 100; routed it, killing 15. Cheatham's casualties, 2 wounded. Enemy abandoned stock of uniforms and subsistence, also several rifles and many bolos. The captured property necessarily destroyed, Cheatham being without transportation. Command camped about 8 miles from San Pablo on 21st, Cheatham coming in about dark. Next morning column entered Lilio without resistance. Here I detached Langhorne with six companies and a gun to move against Majayjay, reported as held by 400 of the enemy, I intending to proceed with column to Santa Cruz. A released Spanish prisoner from Majayjay that morning reported from 1,500 to 3,000 of enemy in latter place, thoroughly equipped, provisioned, and intrenched. Upon this I decided to move with entire command to Majayjay, sending wagon train, escorted by Mulford's battalion and Cameron's troop, down Santa Cruz road to junction with road to Majayjay. Road from Lilio to Majayjay impracticable for wagons. Advanced to within 800 yards of town and occupied heights, separated from it by apparently impassable river and rocky gorge, with sides practically perpendicular. Found town thoroughly intrenched and impossible of approach by roads or trails in vicinity without slaughter. Ordered thorough reconnoissance above and below town, and ordered Mulford's battalion up. All prepared for attack next day. Mulford found crossing, and, lowering men by ropes, got position north of town on enemy's right flank. Observing commencement of this movement, the enemy, already alarmed by reconnoissance to the south, withdrew. Town was at once occupied by our troops, and Colonel Gardener, Thirtieth Regiment, with 2 battalions and 2 guns, was sent in pursuit. The strength of the position at

Majayjay can not be exaggerated. It was approached by one road exposed for a mile to fire and carefully made and concealed intrenchments. This road crossed the gorge by a narrow bridge and wound, like an ellipse, down one side and up another, all of which could be swept by a converging fire. Barricades and entanglements were placed along it to hold troops under deadly fire. A sketch of this stronghold will be forwarded by mail.

Left Langhorne's battalion to garrison Majayjay. Command being much scattered and out of rations, also short of ammunition, I moved with Mulford's battalion and engineers to Santa Cruz, our base and designated rendezvous, arriving at 9 p. m. yesterday, the 23d instant. Hayes has not yet arrived at Nagcarlan. Before receiving word of enemy's holding Majayjay in force, sent Cheatham's battalion on road to Santa Cruz, on west side of Santa Cruz River, intending with main column to proceed to same place via Magdalena. Cheatham occupied Santa Cruz at 2 o'clock on 22d. Along road Cheatham had brush with small party of the enemy, killing 6.

SCHWAN.

SANTA CRUZ, January 24, 1900.

ADJUTANT-GENERAL, Manila:

Hayes's column was expected to complete its movement and arrive at Santa Cruz on the 23d. Its nonarrival may be due to several causes of detention. In the lack of news from this column, and until the result of Gardener's pursuit of the enemy is known, a specific plan of future operations can not be stated. It is believed the enemy's force under General Cailles, which was flanked out of its strong position at Majayjay, will rapidly disintegrate. Small bands of it will probably infest the mountainous region bounded by the towns of San Pablo, Majayjay, Tayabas, and Tiaoan, terrorizing and living upon the inhabitants. To exterminate these bands, occupying concealed camps, such as that struck by Cheatham on the 21st, garrisons, generally consisting of a battalion each, would have to be kept at the places above mentioned for some time. If a battalion were stationed at Tiaoan, which could patrol the road to San Juan de Booboc, the troops now at Rosario, a place easily controlled by Lipa, might be withdrawn. The Thirtieth Infantry seems to be the most available regiment for regulating the affairs of the district bounded as above shown and extending to Antimonan and Mauban. The battalion of the Thirtieth Infantry now at San Pablo could be shifted to Majayjay, the other battalions of that regiment taking post at Tayabas and Tiaoan. San Pablo could be occupied by Langhorne's battalion. This would leave Mulford's battalion of the Thirty-ninth disposable. Colonel Gardener is well fitted to superintend both the requisite military operations and the reestablishment of order and civil government within the district outlined.

SCHWAN.

SANTA CRUZ, January 24, 1900.

ADJUTANT-GENERAL:

Hayes's cavalry, less 1 troop, supposed to be en route and near to Santa Cruz; 1 troop at Santa Cruz. Thirtieth Infantry, 9 companies, under Colonel Gardener, pursuing enemy eastward from Majayjay and opening up communication with Hayes. Three companies under Hartigan at San Pablo. Thirty-seventh Infantry, Cheatham's battalion, less 1 company, en route Magdalena and Santa Cruz; 1 company escorting wagon train to Majayjay. Boyd's battalion, less 1 company, at Santa Cruz, and that company reconnoitering in direction of Pagasjan and Lumbang. Thirty-ninth Infantry, Parker's battalion, at Santo Tomás and Tanauan. Langhorne's battalion at Majayjay. Mulford's battalion at Santa Cruz. Latter battalion will be started to-morrow to patrol road to San Pablo, especially position near San Diego from which enemy was driven on 21st instant. Thirty-eighth Infantry, 1 battalion each at Batangas, Lipa, and Rosario; 2 companies latter battalion detached on Tiaoan-Tayabas road, supporting Hayes's column. Brigade wagon train, 12 wagons, hauling supplies from Santa Cruz to Majayjay; 9 wagons left at San Pablo January 21 supposed to have returned to Santo Tomás; 4 wagons at Indang. Two ambulances are at Indang, 1 at Santo Tomás, 1 at Majayjay, and 3 at Santa Cruz.

SCHWAN, *Brigadier-General*.

To further cooperate with General Schwan's column marching to the south shore of the Laguna de Bay by attacking detachments of the enemy which were giving trouble on the north and east shore of the

lake, six companies of the Forty-second Infantry, which were occupying a portion of the north Manila line under its lieutenant-colonel (Lieutenant-Colonel Beacom), were directed to move by the north shore on Paete, thence to Santa Cruz, and there report to General Schwan, dispersing or destroying en route the enemy's detachments. The march of Lieutenant-Colonel Beacom was very successful. He encountered several bands of the insurgents, upon whom he inflicted considerable damage, capturing property and driving the remnants of the bands into the mountains. He reported to General Schwan on the 25th of January, and thence continued his march to Calamba, whence his companies returned by Santa Cruz and Paete and through the Morong province to Manila. It is to this column General Schwan refers in the following telegrams, which still further report his operations:

SANTA CRUZ,

January 25 (via Los Baños, January 26), 1900.

ADJUTANT-GENERAL, Manila:

Colonel Gardener's column arrived here this morning at 11 o'clock, having passed through the towns of Luisiana, Cavinti, and Pagsanjan. At Luisiana he overtook and dispersed some of the insurgent force lately under General Cailles, which evacuated Majayjay on 23d. Gardener found that only a small party belonging to that force had taken the trail to Lucban, and none that leading to Mauban, whereas the largest fraction had taken the road to Luisiana. Northward of latter he pursued three insurgent companies, but on his arrival at Cavinti became satisfied that they had disbanded, their fragments passing over trails in direction of east coast. An intelligent native, secretary of the late governor of the Laguna province, believed to be reliable, expresses belief, derived from information given by deserters and others, that those of the force lately at Majayjay, who have not returned to their homes, will work their way in direction of Binangonan. Colonel Beacom, just arrived, says that going south from Paete he scouted trail leading to San Antonio and exchanged shots with small insurgent bodies. Hayes's continued absence gives mesome concern. His column is strong enough to take care of itself under any conditions likely to arise. Impassable trails may have compelled his deviations from route to this point laid out for him. Have ordered Langhorne's battalion to search for and endeavor to open up communication with his column. He is to start at daybreak to-morrow, or as soon as Cheatham's battalion, which left here three hours ago, relieves him at Majayjay. Have also sent Mulford's battalion to patrol road to San Pablo, repair telegraph line, and if possible connect with Hayes, should the latter be en route for Santa Cruz via Tiaogan and San Pablo. With Mulford are three wagons carrying 3,000 rations. San Pablo troops are rationed until about the 2d proximo. Abundant supplies at Majayjay. One company Thirty-seventh is escorting signal corps party to reconstruct old telegraph line to Los Baños via Pila and Bay. Bullard, at Santo Tomás, and Hartigan, at San Pablo, report situation in their respective sections as satisfactory. Information is general to the effect that inhabitants of towns whom insurgent authorities compelled to quit on approach of Americans are returning to their homes. It is believed that active scouting for a time by organizations not greater than a battalion will clear the situation and pacify the country held by this command.

SCHWAN.

SANTA CRUZ,

January 25 (via Los Baños, January 26), 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Hayes's command just arrived 3 p. m. He arrived at Lucban 22d; found country impracticable from that point, and returned on 23d to Tiaogan, thence here by San Pablo. Met intrenched resistance at Sariaga; drove enemy out in half an hour. Our losses, 1 killed, 3 mortally wounded, 2 slightly wounded, all of Eleventh Cavalry; names will follow. Enemy's losses not known. Flanked enemy out of intrenched position at Tayabas by moving part of his command to Lucena, which he entered without resistance. Found record at Tayabas, dated January 15, 11 American prisoners, saying: "We leave to-morrow, but know not to what place." Hayes's command

released about 20 Spanish prisoners and 5 Spanish women. Indications are enemy retreated toward Mauban, taking large number Spanish prisoners with them. Full report later. Movements from Majayjay suspended for the present and troops held there. Mulford will report from San Pablo, and be held there.

SCHWAN.

SANTA CRUZ (*via Los Baños*), January 27, 1900.

ADJUTANT-GENERAL DEPARTMENT OF THE PACIFIC:

Lovering's battalion, which left here yesterday, the 26th, now marching via Majayjay and Lucban to Tayabas. Hartigan's battalion started from San Pablo this morning for same place. Both battalions are due at Tayabas about noon 28th. Lovering will be at Antimonan on 30th, prepared to shut off retreat of insurgents driven from Mauban by Cheatham's command, which starts from Majayjay to-morrow, after being relieved by Steel's battalion. Information received through officers of Hayes's column is to the effect that in the coast towns east of Antimonan are confined many Spanish and some American prisoners. Gumaco, Lopez, and Calaoag are especially mentioned. Owing to difficulty of supplying troops overland, the rugged nature of the country to be traversed, I venture to suggest that suitable vessels for transportation of troops be provided to visit these towns and other places on north and south coast of Camarines provinces, both for purpose of liberating prisoners and for the establishing of authority of United States. The battalion of Cheatham or Lovering, to which might be added one or two Nordenfeldts, would be a sufficient force and will be available. Are American troops garrisoning Albay?

SCHWAN, *Brigadier-General*.

SANTA CRUZ, January 30, 1900.

ADJUTANT-GENERAL:

Oeste, just back from Paete, reports all quiet there. Cascoes being loaded and trade being carried on without hindrance. No robbers have been there, nor is there any sign of any. Inhabitants, including women, have returned to town.

Mulford, Thirty-ninth, who with his battalion left here and reached San Pablo 26th, reports at Lilio and Nagcarlan natives are reoccupying their homes and shops, and stands reopening. People there seem friendly. Houses between San Diego and San Pablo for the most part still deserted. Breaks in telegraph line in that section still frequent, and consequently wire communication between this point and San Pablo has been very uncertain. Mulford in cleaning up the town of San Pablo has distributed within forty-one barrios within his jurisdiction announcements in Tagalo from brigade headquarters that people will be protected in their position and property. Families are now returning in considerable numbers and shops are reopening. He is taking steps toward establishing civil government, and says that affairs are progressing satisfactorily. Reports no indications of presence of organized bodies of insurgents in vicinity. Shipments of products in considerable quantities are made from the ports of Paete, Pagsanjan, and Santa Cruz.

SCHWAN.

General Schwan's troops had traversed all the principal roads of the province of Laguna and those of Tayabas east of Lake Taal, and had defeated, scattered, and demoralized all organized forces of the enemy within that section of country. He had placed the Thirty-eighth Infantry (Anderson's) in the province of Batangas, with headquarters at the city of Batangas; the Thirtieth (Gardener's) in the province of Tayabas, with headquarters in the city of that name; while the Thirty-seventh and Thirty-ninth (Major Boyd and Colonel Bullard commanding), together with the cavalry, covered the country eastward of the Calamba and Santo Tomás road to the east coast of Luzon. Both Antimonan and Mauban were garrisoned and protection given to the inhabitants, who soon resumed trade with Manila. The labors of these troops would thereafter consist of active scouting through certain sections of country, under the supervision of officers commanding regiments stationed therein. General Schwan's services as chief of staff were required in Manila, and he was directed to join the headquarters

there as soon as he had completed the posting of the organizations of his command and issued instructions under which the property and lives of the inhabitants could be made secure. He returned to Manila on February 9, having first reported conditions as follows:

SANTA CRUZ, *February 8, 1900.*

ADJUTANT-GENERAL, *Manila:*

From personal observation and the investigation of other officers, I have reached the conclusion that with constant vigilance and proper measures on our part the insurgents in the provinces of Laguna and Tayabas will be incapable of doing any serious mischief. Their attempts on all but individuals, mere squads, or inadequately escorted trains are feeble to a degree and are evidently induced by a spirit of bravado rather than by any hope of success. The insurgent forces in the provinces named are split up into small fragments, who emerge from their mountain retreats mainly for the purposes of rapine and murder. They retain, though with increased difficulty, a certain control of the peaceful natives, especially of the townspeople, whom they compel on the approach of the Americans to quit their homes. The rapidity of the marches and countermarches of our troops, penetrating into out-of-the-way places, have disconcerted and demoralized them. The people are fast returning to their homes in the Laguna province, notably the towns of San Pablo, Nagcarlan, Lilio, Magdalena, and Santa Cruz. For some reason those in the town of Pagsanjan never left them. Men and women in considerable numbers are seen at work in the fields, and on the principal roads pony pack trains as well as bull carts are frequently met going into the lake ports for purpose of trade. In Tayabas province a different state of things still exists. Lucban, Tayabas, Candelaria, and Tiaoan, through all of which I passed within the last two days, are absolutely deserted except by Chinese traders. The houses in the barrios are also vacant. It is believed the continued presence of troops in Tayabas will have the same effect as it had in this province, and that the great bulk of the people will soon assume their accustomed work. The more intelligent and best element see clearly that their military leaders have become robber chiefs, and that their only salvation lies in yielding to American authority. This they are willing to do when they find permanent occupation, or occupation with some prospect of permanence has become a fact. Permanent occupation does not, of course, imply that the troops shall sit down in idleness or pursue a dull routine at their respective posts. The officers in command must familiarize themselves with local conditions, learn whom to trust, and ferret out, break up, or destroy the insurgent or robber bands. Each regimental commander should control the posts occupied by his battalions, in order that all may cooperate in the pacification of the intervening and surrounding country.

SCHWAN, *Brigadier-General.*

While General Schwan was engaged in his operations and in posting his troops in the provinces of Laguna, Tayabas, and eastern Batangas, General Wheaton, with headquarters at Silang, was covering the country bounded by the province of Cavite and the western portion of Batangas. He had with him the Fourth Infantry, the Twenty-eighth, Forty-fifth, and Forty-sixth Regiments of Volunteers, Reilly's Light Battery (a platoon under Lieutenant Summerall excepted), and a portion of the Eleventh Cavalry, to which other troops of that regiment were added as rapidly as they could be mounted in Manila. The Fourth Infantry covered western and the Twenty-eighth Infantry eastern Cavite. The Forty-sixth occupied the Silang and Indang line, scouting to the southward, and the Forty-fifth Infantry, with headquarters at Naic, aided by the Eleventh Cavalry, operated in the same direction and as far north as San Francisco de Malabon. The great majority of the armed insurgents who shortly before had confronted Binang, Imus, and Bacoar remained in that section of country. Many of their organizations had dispersed, but a few, numbering from one to two companies each, escaped south, where they continued to harass the inhabitants near and along the southwestern Luzon coast. The troops were rationed by means of vessels communicating with Bacoar and Naic, thence by wagon transportation to their several stations.

On January 15 General Wheaton sent Colonel Dorst, Forty-fifth Regiment, with one of his battalions and two troops of cavalry, to reconnoiter the country about Magallanes, Lian, and Tuy, and also dispatched Major Johnston with his battalion of the Forty-sixth Infantry to Mendez Nuñez, Alfonso, and Lemery—the latter city situated on the east coast of Balayan Bay, about 18 miles by road northwest of the city of Batangas. A strong native police force was organized at Naic and a few other points, which accomplished excellent work in quieting the inhabitants, who betook themselves to their civil pursuits and were placed in trade communication with Manila.

On January 18, 19, 20, and 21, General Wheaton telegraphed the following:

SILANG, January 18, 1900.

ADJUTANT-GENERAL, *Department of the Pacific*:

Following received from Johnston, who is at Tuy:

"Left provincial boundary at 6 a. m. Reached Tuy at noon. Found five or six hundred cartridges for Sharp's rifle in soldiers' barracks. One mounted unarmed man escaped. One insurgent surrendered himself and a serviceable Remington; he stated that one company was at Tuy and that 30 deserted to the mountains. Natives say that insurgents are in Calaca and Lemer; also that gunboats bombarded Taal yesterday. Will reach Calaca to-night and attack place to-morrow. Going to Lemer to-morrow afternoon."

SILANG, January 19, 1900.

Following just received from Johnston, under date 18th instant from Balayan:

"Reached Balayan 6 p. m. 17th. Many people left city, but turned hundreds back. No property touched. Found 17 rifles in convent, which were destroyed. Hear insurgents are at Calaca, Lemer, and Taal. Leave Balayan at 7 a. m. to-day for Calaca. No boats. Sighted one casco loaded with fugitives. Stopped at beach last night. Balayan a large town and prosperous."

SILANG, January 20, 1900.

Following just received from Dorst, under date 19th instant, from Naic:

"Returned at 5.45 p. m. to-day. Arrived Nasugbu at dusk 18th. On 17th, about 3 miles south of Nasugbu, cavalry under Major Carson struck band of about 40 insurgents, when running fight took place. Four insurgents were killed and 1 severely wounded. Several prisoners and 3 Remingtons captured; 1 Spanish prisoner released. About 1½ miles this side of Magallanes trail runs through gorge about 300 feet deep. Force of about 60 insurgents laid in ambush at entrance. Four insurgents were killed and 2 severely wounded. Two Remington rifles, several hundred rounds cartridges, Mausers, and 1 prisoner were captured. Our casualties were: Private Milton Knable, slight wound of face; Private Peter Ayska, slight wound, middle finger, right hand. Both men belong to Company H, Forty-fifth Infantry. Have 16 prisoners and the Spanish prisoner."

SILANG, January 21, 1900.

The following has just been received from Major Johnston, Forty-sixth Infantry, Lemer, January 18, via Batangas, January 20, 5 p. m.

"BATANGAS, January 20.

"ADJUTANT-GENERAL WHEATON'S BRIGADE, *Silang*:

"In addition to 17 rifles destroyed at Balayan this morning, I found and spiked 1 muzzle-loading field gun. Left there at 7 a. m., proceeding along coast, reached Calaca, 7 miles, at 10.30 a. m. Drove out of it a company of insurgents, which I learned had arrived from Taal. Last night found 3 dead. Took 4 prisoners, captured 4 horses, with equipments, from one of which an officer was wounded at first volley of scouts. Took 6 Remington rifles and a few hundred cartridges. Think 3 more killed and a few wounded. Only my scouts and small detachments Companies I and H engaged. No casualties. Left Calaca 2 p. m. after arrival of pack train at Banio. At Mapayaqui, 3 miles north of Lemer, I caught in hills an insurgent outpost. Made 3 prisoners, took 6 horses, 3 saddles. All were mounted and few escaped. No casualties known. Approached Lemer carefully, with scouts and company

deployed. At 5 p. m., in sight of town, was fired on by strong force of insurgents protected in trenches on hill across Taal River, reaching around to Banio, Detubergar. Forced Companies I and H to left, and then advanced to Taal River by gradual rushes, silencing enemy's fire by 6 o'clock. At 5.30 pack train attacked in rear; attack repulsed by one platoon Company G. Another platoon made flank movement on insurgents' trenches; stopped by impassable river, Taal. Lemeris entered 6.30 p. m., after hour's firing. Distance marched, 15 miles. My losses are Private Carr, Forty-sixth Infantry, killed; Private Boes, Company H, Forty-sixth Infantry, seriously wounded. Surgeon MacArthur's horse shot. Officers and men behaved splendidly on first day of fighting. I learn 800 insurgents with 4 cannon reached Taal at noon returning from Bauan or Batangas. They, hearing my firing at Calaca, stopped to intrench. They will, no doubt, try to force bridge to-morrow in order to reach mountains west of Lake Taal. Americans are in Banio again. Boat was near here to-day. Under such circumstances I deem it my duty to hold this bridge as long as communication lasts. Am told river can be crossed above; if so, I can put men in Bauan to force surrender. My orders permit me to come only to Lemeris, and require me to be in Indang on 20th. Latter would involve apparent retreat. I shall stay here and endeavor to communicate with Bauan by boat to-morrow.

"W. H. JOHNSTON,
"Major Forty-sixth Infantry."

SILANG, January 21, 1900.

Following just received from Lemeris, 20th:

"To ADJUTANT-GENERAL, Wheaton's Brigade, Silang:

"After last dispatch, January 18, communicated with Batangas yesterday morning by gunboat *Marietta*. She carried message to commanding general, Batangas, as well as my full report of January 18 engagements to you. All day of 19th insurgents fired from trenches and houses of Taal into outposts and into every street of Lemeris. They brought up reinforcements from Bauan at 5 p. m. *Marietta* returned with news that General Schwan had left, and that Colonel Anderson, Thirty-eighth, had sent 3 companies under Major Muir to attack Taal. At 5.30 heard Muir firing. Took 2 companies under fire across stone bridge, which insurgents had obstructed with abattis. They had 3 muzzle-loading field pieces, which fired 6 times, and a squad of riflemen on bluff 50 feet above bridge. My 2 companies took their field pieces south half of Taal and killed several, and Major Muir took north part of Taal. Insurgents retreated in all directions, badly scattered; not known yet where they went. It is a pity that troops could not have been sent to carry the arms that are now lost. My losses only 2 wounded. Muir returned to Batangas with 2 companies, leaving 1 company in Taal. I have 2 companies there and 1 here. I think it important to hold bridge and keep away insurgents on this side of Taal. Lieutenant Cowan, of General Bates's staff, is here and informs me that a battalion of the Twenty-eighth Infantry will be sent here to-morrow to do garrison duty. On its arrival shall I return as originally ordered or start back without waiting? I have rations sufficient to get to Indang and can take care of myself alone. Captain Green fired on insurgent artillery and trenches from *Marietta*, and landed Colt's automatic gun to assist me. The latter reached me after the bridge was carried, so was of no use. The former firing contributed materially to the result accomplished, and I have thanked Captain Green.

"W. H. JOHNSTON,
"Major Forty-sixth Infantry."

In reference to the capture of Taal, Colonel Anderson, at Batangas, telegraphed to the headquarters of the First Division as follows:

Got request at 12 m. yesterday from Major Johnston, at Lemeris, for assistance; also for ammunition and rations. Sent rations and 100,000 rounds ammunition at 1.10. Major Muir started with B, C, D companies, battalion Thirty-eighth Regiment. I left at 3 and joined them after march 15 miles. Fight began at trenches outside of Taal at 5.30, just as I caught up with column. Fight lasted till dark, when we held town, and all insurgents had fled; about 400 in fight; good many killed. Our loss 6 wounded, 2 seriously. Have returned here with Companies C and D, leaving B as garrison. Taal and Lemeris are rich towns, with bridges between, and should be garrisoned by a battalion.

The rough country around Taal and between Taal and Batangas continued to be infested by armed insurgents for a long time, although

both cities were garrisoned by our troops; and, probably, because the topography of that section gave superior advantages for concealment, surprise, and secure retreat. On January 29 Colonel Anderson, in telegram sent from Batangas, gives a fair representation of the character of the warfare in which he and his force were engaged. He reports:

BARRY, Adjutant-General, Manila:

Major Muir, with Companies B, C, and D, Thirty-eighth Infantry, made a reconnaissance on San Luis yesterday. Scheme was for D Company to go to Taal as escort to money sent there and then down the coast; Company C to go to Barrio San Luis and then across, while D Company went around from Bauan. D Company was fired upon on outskirts of Taal, and after sharp fighting went into town, finding 4 killed. B and C companies had fair fights and killed 3 or 4. Pueblo San Luis occupied at night. To-day country in direction of Cuenca and San Jose scouted, with another fight. Results, 7 or 8 insurgents killed and a good many wounded. Thirty prisoners captured, 2 with uniform trousers under white ones, and 1 who was captured here in fight by Major Muir on 16th and released while General Schwan was here. Major Muir and 2 privates wounded very slightly.

Scouting in this section of Batangas Province, where detachments of insurgents were operating, was actively maintained. Colonel Dorst again leaving Naic passed through the Batangas coast cities, and on January 28 reported from near the city of Batangas that he arrived at Taal on the 27th, passed on to Batangas, his cavalry scouting southward, and that he intended to march north to Cuenca the following day. He did not find any large force of insurgents, the majority of them having deserted and returned to their homes. His outposts and advanced guards were fired on occasionally by small bodies of the enemy, and in a deep canyon near Magallanes they attempted to ambush his men, but unsuccessfully. In Cavite Province the troops scouted continually. Detachments moving from different stations and concentrating at some designated point where the enemy was reported to be, or visiting different towns and barrios to ascertain conditions, seldom met with any opposition whatever.

Upon the return of General Schwan to Manila on February 9, General Wheaton was placed in command of the four provinces of Cavite, Batangas, Tayabas, and the Laguna. Scouting parties in southeastern Batangas and the Laguna Province still encountered frequently small detachments of the enemy which were now operating as bands of robbers. They greatly annoyed the inhabitants and endeavored to ambush our escorted wagon trains. However, former insurgent officers and civil officials of importance, as well as the better classes of the people, were rendering us their assistance, and through information furnished by them it became much easier to locate these hostile bands, which almost invariably were severely punished. The character of these minor affairs may be inferred from the reports which were submitted. On February 7 one was received from Colonel Anderson, at Batangas, who had repeatedly lost communication with headquarters because of the cutting of the telegraph wires. He said in substance: "Train going to Lipa attacked. No casualties. Two mules killed; 2 dead insurgents found. Wire cut near San Jose and houses burned near bridge. Sent Major Muir with two and a half companies around mountain, who captured Loboo without casualty. He captured in the fight 2 howitzers, 1 Nordenfeldt rapid-fire gun, a quantity of ammunition, and considerable supply of provisions."

On February 17, Major Boyd telegraphed from Santa Cruz:

Lieutenant Naskette, Thirty-seventh Infantry, brought 20 men down to Santa Cruz from Majayjay and Magdalena to await train. At Santa Cruz escort increased by 40 men who had arrived from Calamba, the Thirtieth Infantry band armed with pistols, and a few other men of that regiment. Major Cheatham joined escort at Santa Cruz en route to Majayjay. Evidently insurgents attacked what they thought was 20 men. From intrenchments they covered a bridge on road with a cross fire, but escort promptly rushed trenches and had a point-blank fire on the retreating rebels. It is believed that they were surprised instead of the escort, and lost heavily. Private Frank Lees, Company B, Thirty-seventh Infantry, had his wrist bone shattered by a bullet. No other casualties.

On February 20, at Tayabas, Colonel Gardener telegraphed:

On 13th Company B surprised 50 insurgents lying in ambush to attack wagon train between here and Lucban. Killed 4, got their rifles, probably wounded 8, and captured 6 bronze cannon which they had in the trenches. No casualties on our side. Yesterday placed two companies in squads of 20 in ambush at every cross trail between here and Bariagoa and here and Lucena. Sent one company from Lucena and two others from here to thoroughly scout entire square between Tayabas, Sariayoc, Laguimanoc, and Lucena. Had slight engagement. Released 2 Spanish officers, 10 privates, captured 5 guns. No casualties. Believe ambush method to work well. Have not heard from Hartigan, at Antimonan, for twelve days. Sent one company to Antimonan this morning with orders for one of Hartigan's companies to go to Laguimanoc, where I can supply it from Lucena, and it can supply the other by pony pack train. People are coming into Tayabas, Lucena, and Lucban. Believe all inhabitants will be back in a week.

Our losses were partly due to the rashness of our men in absenting themselves without permission from their stations and visiting among the natives, notwithstanding repeated cautionary orders, or to the failure of small escorting parties to take proper precautionary measures in passing through defiles or over roads lined with thick brush, which furnished concealment to natives seeking booty. Throughout Luzon nearly all of our soldiers who fell into the hands of the enemy were captured while illegally absent from their commands or while they were remiss in the performance of their duties. Many of those captured suffered severely for their offenses, and a few were brutally slain by their captors, as has been shown in a previous portion of this report. The total captured and missing and unaccounted for since the commencement of Philippine hostilities was especially small, however, not to exceed 150, and the majority of them have been recaptured or released.

The system of active repression which was put in force was attended with rapidly attained compensating results. In nearly all of the southern towns the inhabitants, especially those in the Tayabas and Laguna provinces, had concealed themselves in the mountains or thickets upon the approach of our troops. They soon returned to their dwellings and recommenced their civil occupations. Trade with Manila on the coast and through the Laguna de Bay was never more active. The church services were resumed, schools organized, and the majority of the native clergy, who had believed the reports circulated by the insurgent leaders and newspapers of atrocities committed by Americans in other parts of the island, were now convinced of their untruthfulness and gave signal aid in establishing municipal government. The field of our occupation extended eastward to the town of Antimonan, on the southeastern coast, and the coasting trade between that place and Mauban with Manila was reopened.

In these provinces some 600 Spanish prisoners were released and sent to Manila. A number of others were driven eastward through

the mountains of eastern Tayabas. One large detachment was abandoned on the upper coast of Ragay Bay, or were given permission by the officers in charge to move down the peninsula and seek their liberties. Two of its members, accompanied by a Filipino, succeeded in signaling a coasting vessel, were brought to Manila thereon, and reported the location of the detachment. Admiral Watson sent out one of his vessels to rescue it. It was found near the location designated in a nearly famished condition, was taken on board the vessel with difficulty, and transported to Manila Harbor. It consisted of 72 officers, 338 enlisted men, and 17 Spanish friars. Some 600 other Spanish prisoners were held in the provinces of Camarines and Albay, nearly all of whom were soon afterwards liberated by our troops.

During these successful operations in the thickly populated portions of Luzon, it became necessary to open the large Philippine hemp ports situated in the province of Albay, the extreme southeastern province of Luzon, and in the islands of Leyte, Samar, and Catanduanes. As mentioned in a former page of this report (page 186), General Kobbé was relieved from duty on the south Manila line for the purpose of conducting an expedition to and taking possession of the desired points. The following orders were issued:

GENERAL ORDERS, }
No. 6.

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, P. I., January 16, 1900.

I. The Forty-third and Forty-seventh Infantry, United States Volunteers, and Light Battery C, Third United States Artillery, will constitute a provisional brigade of this army corps, to the command of which Brig. Gen. William A. Kobbé, United States Volunteers, is assigned. It will proceed by water transportation provided by the chief quartermaster of the department to such port or ports in the southern waters of the Philippines as may hereafter be announced. The troops will be provided with rations for thirty days, and a limited amount of land transportation, to consist of 2 ambulances and 6 four-mule teams; and for all animals shipped, together with those belonging to and in possession of the battery and mounted men and officers of the command, one month's supply of forage will be taken. The chief surgeon, the chief commissary, and chief signal officer of the department will provide such assistance in men and property as the expeditionary forces may require, and as has been heretofore indicated in verbal instructions from these headquarters. The chief quartermaster of the department will furnish General Kobbé with 5,000 pesos from public civil funds, and \$5,000 from War Department appropriations, for regular supplies and army transportation. The chief commissary of the department will turn over to such officer as General Kobbé may designate \$5,000 subsistence funds.

The transports conveying the troops will be convoyed by such vessels of the Navy as its commander in chief on this station may determine. The expedition will sail on the 18th instant.

II. The troops indicated in Paragraph I of this order will constitute a separate brigade of troops within the meaning of the seventy-third Article of War, and its commanding general is vested with all the powers of a division or department commander in so far as authority connected with general courts-martial is concerned.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

General Kobbé sailed on the afternoon of January 18, as directed, with the United States transport *Hancock* and two temporarily chartered coasting vessels, the *Castellano* and *Venus*. His command was convoyed by the United States Navy gunboats *Helena* and *Nashville*. He entered Sorsogon Bay on January 20 and took possession, without opposition, of the town of Sorsogon, where he left a small garrison. Thence he proceeded to the small hemp ports of Bulan and Donsol, at each of which he placed a company of the Forty-third Infantry, where-

upon he sailed through the straits of San Bernardino to the Bay of Albay with the *Castellano* and *Venus*, escorted by the gunboat *Nashville*, and took possession of the cities of Albay and Legaspi (at the latter of which he met with strong resistance which was speedily overcome) and established garrisons. Thence on January 24 he proceeded to Virac, on the island of Catanduanes, where he placed a garrison of one company. He thus reports his operations in the two following messages, both dated January 24:

HEADQUARTERS PROVISIONAL BRIGADE, EIGHTH ARMY CORPS,
ON BOARD U. S. S. NASHVILLE,
Off Virac, January 24, 1900.

SIR: I have the honor to inform you that the town of Sorsogon was occupied by troops of this command on January 20 at noon; the towns of Bulan and Donsol about noon on the 21st; the towns of Albay and Legaspi about 1.30 p. m. on the 23d, and the town of Virac on the 24th. There was no opposition excepting at Legaspi, where it was very handsome, and delayed the occupation of Virac until to-day. Between forty and fifty thousand bales of hemp are said to be in sight at Sorsogon, and from five to seven thousand at each of the ports of Bulan and Donsol. There were supposed to be 100,000 bales in Legaspi and vicinity, 8,000 of which, in two warehouses, were burned—5,000 by the insurgents and 3,000, it is said, by the shells from the *Nashville*. If nothing prevents, the entire fleet will leave Sorsogon to-morrow for Calbayog. After occupying Tacloban (Leyte), the transports will return to Manila, touching at the ports of Samar and the west coast of Luzon, distributing additional rations, horses, pack animals, wagons, guns, etc., wherever in the meantime these may have been found to be needed. Headquarters will be on the *Venus*, and may return this vessel to Manila to exchange it for a more suitable steamer with equal accommodations and less draft, if one can be found, and which could be loaded there with as many supplies of all kinds as possible. A squad of the Forty-seventh Infantry, U. S. Volunteers, was ordered to report to the commanding officer U. S. S. *Helena*, for station, with sixty days' rations, at San Bernardino Light.

Very respectfully,

W. A. KOBBE, *Brigadier-General.*

THE ADJUTANT-GENERAL,
Department of the Pacific and Eighth Army Corps, Manila, P. I.

OFF VIRAC, January 24, 1900.

SIR: I have the honor to report that the occupation of Legaspi met with resistance, all the landings being covered with well-constructed trenches and bridgeheads, the planks removed from the wharves, the trenches thickly manned with troops, and the insurgent flag displayed on a flagstaff at emplacements on a commanding position. A battery of obsolete iron guns was well placed and used. Although within rifle range of all the ships (U. S. S. *Nashville* and transports *Venus* and *Castellano*), the insurgents did not fire. They refused to allow the English residents to leave the town on a boat sent in by H. M. S. *Plover* to take them off, claiming that their presence might prevent bombardment. The trenches and town were taken by a landing party under cover of the *Nashville's* guns, after an hour and a half fight, at about 1.30 p. m. Our loss was one officer (Capt. J. J. Bradley, assistant quartermaster, who volunteered as an additional aid) and about 6 men wounded, all slightly, one of them a sailor on the *Nashville*. The enemy's strength was 800, under Chinese General Paua, but probably with not more than 100 Mausers and 100 Remingtons. Either from fear of capture or for other reasons the resistance was stubborn, 28 being killed in one bridgehead at almost hand-to-hand range without surrendering. Early this morning the dead were still being brought in. Their loss will be more than 50 killed or mortally wounded. Fuller report will accompany the final report of the expedition.

Very respectfully,

W. A. KOBBE,
Brigadier-General, U. S. Volunteers.

THE ADJUTANT-GENERAL, Manila.

Having stationed the Forty-seventh Infantry (Colonel Howe) and Randolph's light battery of artillery at the various Luzon hemp ports above mentioned, General Kobbé proceeded with the Forty-third

Infantry (Colonel Murray) to the islands of Samar and Leyte. Sailing down the west coast of Samar, he proceeded to Calbayog on the 26th of January and Catbalogan the following day. The general who commanded all the insurgent troops in both of these islands was General Lucban, a Tagalo, who exercised considerable influence at Aguinardo's capital of Malolos, and even in Manila, prior to the outbreak of hostilities. Under his directions both Calbayog and Catbalogan had been placed in condition for destruction by fire upon the landing of the Americans. The inhabitants of Calbayog had refused to burn their property, but at Catbalogan the fire had been kindled and a portion of the town destroyed. The troops landed at both places without encountering resistance—the insurgent forces retiring to the hills, pursued by our troops. Leaving garrisons at these two cities, General Kobbé, as soon as he could secure the services of an efficient pilot, proceeded south through the dangerous strait of San Juanico and seized the city of Tacloban on February 1. He reported the following:

ADJUTANT-GENERAL, *Manila*:

Occupied Tacloban (100,000 bales of hemp in sight) noon 1st instant, in time to permit entry first steamer from Cebu. Yesterday morning passed 6 vessels one or two hours out from Tacloban, cleared from Cebu, Iloilo, and Manila, with rice and petroleum. It was necessary to overrun some resistance at Tacloban, killing 10 insurgents, capturing their rifles, also capturing four or five field pieces and the men serving them. This after negotiating under white flag and giving them three hours time. There was no burning, and I am convinced that the Tagalo element there, as in Samar, is finally suppressed. Steamer *Salvadora* ordered to leave there this morning direct to Manila. *Garonne* ordered to leave there yesterday for Manila, touching at Calbayog and Albay ports. Tacloban, Catbalogan rationed to include 22d; other ports in decreasing ratio to the north. The 175,000 rations and the additional sales stores asked for should be invoiced and marked separately. For each port substitute two-thirds flour in bread component. The stations of the Forty-seventh have been reported. Forty-third are at Calbayog, Catbalogan, and Tacloban—a battalion in each place. Thirty-six animals at Sorsogon, 12 at Legaspi, 6 at Calbayog, 13 at Catbalogan, and 20 at Tacloban, not including native ponies. Was my letter of 29th received? I should leave here at earliest practicable moment.

All the ports thus garrisoned were opened to the coasting trade, and General Kobbé returned to Manila to superintend the forwarding of such supplies as the garrisons might require for the ensuing sixty days. During his absence the Insurgent General Paua, who had been driven back from Legaspi, concentrated all his strength, consisting of some 200 or 300 armed soldiers and a large number of bolo men, threatened the cities of Albay and Legaspi, burned Cagsauna, near Albay, and also endeavored to burn the town of Donsol, where a single company comprised the garrison. Colonel Howe drove them back into the interior and shortly after sent a force north to the important hemp port of Tobacco, of which he took possession. The insurgents continued very active, giving our troops no rest and engaging at times all garrisoned points of that section, excepting Bulan and Sorsogon, even threatening the destruction of Gubat, a port at the extreme east of the island, which was obliged to call upon the garrison of the city of Sorsogon for protection. They were severely punished and lost hope of ultimate success, when General Paua and his staff surrendered to Colonel Howe and were forwarded to Manila. The island of Catanduanes remained peaceful, and its chief port, Virac, engaged in active trade with the other open ports of the Philippines, sending to Manila its products of the former season which had been held over there, consisting mostly of hemp.

The troops in Samar and Leyte were expected only to hold securely the larger cities on the west coast of the first and the northern and eastern coast of the second island until General Hughes, with some of his Panay or Cebu force, could cooperate with them. He was instructed, on December 23, to render assistance when the Manila expedition might take possession of the cities designated, or as soon thereafter as he could withdraw organizations from active operations then being prosecuted within his district. But the facility with which the Lucban insurgents had been dispossessed, or the slight resistance they had attempted, and the fact that the majority of the inhabitants wished the Tagalos driven out and furnished us active aid, induced our officers to pursue them into the interior. In Samar the insurgents were rapidly pressed back into the mountain country. Lucban's headquarters, with several thousand dollars of his funds, were captured; also his main arsenal, where he had stored all his surplus war material. Our troops in inadequate detachments passed through the island to its southeastern coast and to the towns north along the San Bernardino strait. These detachments were attacked when a long distance from their commands and suffered casualties which, under a more conservative procedure, might have been prevented. However, they inflicted severe punishment on the enemy and expedited the work of restoring quiet to the island.

From Tacloban in Leyte, where only a single battalion was stationed, companies penetrated the interior, marching to the north and west coast. The Tagalo chiefs, with a few armed men, excited the ignorant mass by their statements of American intent and barbarous conduct, and rallied the bolo men of the mountains, who endeavored to ambush our parties, so that it was necessary to send relief to them at the expense of diminishing too greatly our police forces in the few cities of our occupancy to give adequate protection to the inhabitants of those cities. This encouraged the enemy, influencing him to increased activity, and was the occasion for much unrest, excitement, and loss of life, which possibly might have been avoided. The inhabitants of the cities and surrounding country wished peace, the opening up of their markets, and the resumption of civil employments. They desired to have our troops among them, if in sufficient strength to protect them from the raids of the insurgent soldiers and mountain robbers. Assured that this protection was sufficient for personal safety and the security of private property, and that it would be continued, they gave us every assistance in their power. The withdrawal of detachments from our troops stationed in some of the cities, in order to assist those pursuing the enemy into the interior, limited the protection necessary to be given, and enabled the insurgents to rob, impress, and murder the people living within the outlying sections of those cities, whereby the results which we sought to obtain were delayed.

The merchants of Iloilo and Cebu were clamoring for permission to dispatch their coasting vessels to all ports of these islands, each endeavoring to obtain priority of entry in order to secure the stock of hemp, tobacco, sugar, or other commodities which the inhabitants might have to dispose of. Their persistent applications for this permission, and the desire of officers to accommodate all, that the peace attendant upon trade conditions might be established, was a partial cause for this too

hasty attempt to overcome the slight opposition still manifested in the islands. Our troops became scattered along the north and west coasts of Leyte, and this influenced the insurgents to make demonstrations against our weak stations, and even against the important city of Tacloban, where a force in sufficient numbers to maintain absolute security should have been held. The commanding officer there was obliged to call to his assistance a portion of one of the Samar garrisons, and later to request additional troops from Luzon. General Kobbé, who was still at Manila superintending the loading of supplies for these Samar, Leyte, and eastern Luzon stations, was dispatched with instructions to properly concentrate at the more important cities the troops already in that section, permitting trade at certain designated ports only—the troops to protect these points until accessions could be sent from the Visayan district. On January 27, nine days after General Kobbé left Manila with his expedition, these orders were issued:

The following ports will be opened for trade on January 30, 1900: Virac, Sorsogon, Donsol, Bulan, Albay, Legaspi, Calbayog, Catbalogan, and Tacloban, and on February 1, 1900, the ports of Batangas and Taal. Clearances to and from these ports will be duly issued to all coastwise vessels applying for the same on and after those dates.

On February 10 it was announced in orders that Tabaco and Gubat would be opened for trade on February 14. On the eve of his departure with supplies, General Kobbé was directed to open for trade Laguan, in Samar, and Ormoc, Baybay, and Maligboe, on the west coast of Leyte, as soon as he might be able to properly post the troops necessary for protection—the troops to look after the security of those towns and not to enter the interior of the islands until adequately reinforced. The above-named and other ports directed to be opened upon certain contingencies were duly subsequently announced as ports for coasting trade. On February 25 General Kobbé reported:

CEBU, February 25, 1900.

ADJUTANT-GENERAL, *Manila:*

The six new ports agreed upon with the governor-general are occupied and equipped, and Catarman, Lagranga, Barugo, and Carigara occupied, but not equipped. The Legaspi tobacco district was still warlike when I left there on the 18th. Other places are peaceable, especially Catanduanes, where I authorized all towns to send hemp to Virac in exchange for provisions. Have reenforced Leyte from Samar and shall concentrate Randolph's guns at Legaspi on return north from here, where we are coaling. Expect to reach Manila about March 15, bringing most of the captured ordnance and the funds, now grown to 21,000 pesos.

KOBBE.

NOTE.—The captured ordnance consisted of 30 pieces artillery, a good many rifles, and a large quantity of ammunition.

The situation greatly improved and the merchants were enabled to prosecute their trade to the full extent of their facilities. However, the constant water communication they maintained between those islands and others of the Visayan group, together with Luzon, permitted disaffected Filipinos, driven from other sections, to enter Leyte especially and oppose us in what they considered our weak positions. The two Camarines provinces of Luzon and western Albay, to which an expedition was sent the middle of February, forced insurgents to the southeastern coast of that island, from which, as was supposed, some proceeded in bancas to Leyte, passing along the coast of Burias and Masbate. This accession to the small hostile parties which continued their raids from their mountain retreats provoked more

lively opposition and gave our troops excessive labor. On April 8 General Kobbé telegraphed from Cebu the following information:

ADJUTANT-GENERAL, *Manila*:

Situation in Leyte disturbed through accession of riffraff from other islands, including Luzon and Cebu, but is nowhere critical. Murray attempted too much and should be reinforced to carry out his plans and retain what he holds without overworking his men. Command is in excellent shape, in discipline, morale, and health. Patrol of coast by naval vessels desirable. About 35,000 tons of hemp have been shipped from all ports, with 10,000 in store awaiting shipment. Large quantities are said to be in sight in back country everywhere. Is General Hughes at Iloilo?

General Hughes was at this time making an examination of the situation in the islands of Samar and Leyte and reported on April 17, after his return therefrom to Iloilo, what seemed to be the prevailing impression, that the insurgents were preparing central positions from which to operate on interior lines. His report continues as follows:

The four companies of the Forty-third Infantry were entirely occupied with the hemp ports, and there was no operating force with which to disturb the plans of the enemy in the hills. I took over two companies of the Forty-fourth Infantry from this island and proposed to Colonel McClelland—the colonel of that regiment—to swap the two companies of his own regiment for a battalion of the command he had in Cebu, but he declined. After a careful examination in and about the town of Cebu it seemed entirely practicable to withdraw two companies from there, and I directed that he designate two companies that could most conveniently be spared. He designated I and K, Twenty-third Infantry. General Kobbé was at Cebu at the time and requested a guard of 16 men for his transport. The detail was first made from these companies, and then the companies were transferred to Leyte. Colonel Murray has been instructed to return to Samar the company of the Third Battalion he now has as soon as he finds it practicable. With the return of this company to Samar Major Allen thinks that island will be able to manage, if he has a company of natives for guides, scouts, etc. He has some young men now in Catbalogan who were driven out of Borongan and are so committed to us that they can not break with us. He believes he has in them the nucleus of a valuable organization. Of course, such an organization would require the authority of the military governor. If he thinks it wise to create such an organization in Samar as now exists in Negros, or as in Luzon, I request authority to carry out such instructions as he sees fit to give in the matter. * * *

The requisite authority to raise and employ native scouts was given in the following communication:

MANILA, P. I., *April 22, 1900.*

SIR: In reference to that portion of your recent communication which conveys the suggestion of the commanding officer of United States troops in Samar that native scouts could render beneficial service in that island, the commanding general directs me to say that you can raise a force of 200 native scouts for use there, to be organized and officered similar to the battalion of native scouts in Negros. There should be a sufficient number of army officers and noncommissioned officers assigned to the organization to restrain these scouts from making depredations upon their own people, for experience shows us that they certainly will commit such depredations if they have opportunity.

Very respectfully,

M. BARBER,

Assistant Adjutant-General.

The COMMANDING GENERAL, DEPARTMENT OF THE VISAYAS,

Iloilo, Panay.

On February 15 an expedition under the immediate command of Brig. Gen. James M. Bell, United States Volunteers, composed of the Fortieth and Forty-fifth Volunteer Infantry, Captain Koehler's battery of Astor guns, a detachment of cavalry, with proper details from the Medical, Engineer, and Signal Corps, sailed from Manila under the personal supervision of Major-General Bates, who was temporarily

relieved from his division by Brigadier-General Schwan. General Bates proceeded under very general instructions to take possession of the North and South Camarines provinces and western Alby, to which insurgent troops, supposedly having possession of a good many Spanish prisoners, had been forced by our operations in the province of Tayabas, and had joined the insurgent force of that section. Thereafter he was to proceed with one of these regiments to the northern coast of Mindanao and take possession of the ports of Surigao, Cagayan, Iligan, Misamis, and Dapitan. All particulars of procedure were intrusted to him and no formal or written orders were issued. With his troops on board one of the United States transports and certain coasting vessels chartered for the purpose, and convoyed by Commander Nazro, of the Navy, he proceeded to southeastern Luzon through the Strait of San Bernardino, and after a conference with General Kobbé or his representative on the Legaspi coast, where he landed a battalion of the Fortieth Regiment with instructions to march westward overland to the Camarines, continued on to the Bay of San Miguel on the southeastern coast of Luzon.

After experiencing considerable difficulty from shoal water he succeeded, through the valuable assistance rendered by the navy, in landing the forces near the mouth of the Bicol River, two battalions on the road west of the river leading to Libmanam, to which it marched, and where a sharp engagement ensued between the advance battalion, under the command of the regimental commander (Colonel Godwin) and a large force of the enemy which had concentrated there to dispute our further progress. The result was a decisive victory for Colonel Godwin's troops. The enemy was driven from his positions and his organizations were broken and scattered on every available line of retreat. He left on the field 64 dead and many wounded, who were cared for by our surgeons. A number of insurgents were made prisoners, 30 rifles and a quantity of war material were captured. Godwin's casualties were his battalion adjutant, First Lieut. John B. Galleher, killed, and 8 enlisted men wounded. Eighteen Spanish prisoners held at Libmanam were liberated. The Forty-fifth Regiment (Colonel Dorst) having been landed east of the Bicol River, proceeded on the road by Calabanga to a point a short distance east of the city of Nueva Caceres without encountering material opposition, while Godwin, continuing his march after his engagement at Libmanam, entered the city, which the natives, fearing for their personal safety, had deserted, seeking security in the surrounding mountains. The city appeared to be under the charge of the Spanish representatives of the church.

The enemy retreated both northeastwardly in the direction of Mount Isorog and to the southeast in the direction of Pili and Nabua; also, it was believed, northwestwardly in the direction of the city of Daet. As soon as practicable the troops took up the pursuit and followed the enemy's shattered forces by the roads passing north and south of Mount Isorog to the coast, and by the southeastern road leading through Pili, while other detachments pursued to Pasacoa, on the Bay of Ragay, and northwestwardly to the city of Daet, of which they took possession. Their persistent activity was rewarded by the disintegration and demoralization of hostile organizations, the release of a good many Spanish prisoners, the capture of all insurgent artillery with a large quantity of war material, the return of the inhabitants to their towns, and the

restoration of former trade conditions with the Philippine capital. The insurgents who retreated northeastwardly took with them quite a large number of the Spanish prisoners still held by them in captivity, and a charge, based upon fairly good proof, of killing a number who failed to retreat with the rapidity desired, was made against them. The Chinese general, Paua, who subsequently surrendered and was sent to Manila, was placed in confinement under this charge, which was being investigated at the time of my departure from the Philippines.

After the Camarines and Albay country had been placed under police restraint, General Bates returned to Manila to direct the shipment of such provisions and other supplies as were needed there, and also those required by the Fortieth U. S. Volunteers, which he had directed to concentrate and embark on transports for the contemplated southern service. General Kobbé, upon his departure with his expedition on January 18, had been assigned to the command of a district, for certain specific purposes, which was bounded by the limits of his directed field operations. The islands of Samar and Leyte were within the Visayan military district, but were withdrawn temporarily and placed under the command of General Kobbé to enable him to take possession. He had returned to Manila, as hereinbefore stated, to supervise the forwarding of supplies to the troops under his control. He was now to be withdrawn and to proceed to the district of Mindanao and Jolo, and General Bates was about to depart to take possession of northern Mindanao. The following orders, both from the headquarters of the corps and from the office of the military governor, were issued:

GENERAL ORDERS, }
No. 22.

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, P. I., March 20, 1900.

I. Maj. Gen. John C. Bates, U. S. Volunteers, will proceed at once by such water transportation as may be furnished him to the provinces of Camarines, Albay, and Sorsogon, island of Luzon, and there take immediate supervision of all detachments of the Fortieth Infantry, U. S. Volunteers, which he has already directed to be embarked on transports; will then proceed with that regiment to the northern coast of Mindanao and establish the several military stations on that coast, in accordance with verbal directions which have been conveyed. This duty completed he will proceed direct to Zamboanga, the headquarters of the military district of Mindanao and Jolo Archipelago, and from that point execute within the district the specific duties with which he has been charged, which when completed, he will stand relieved from all further duties in that military district and will return to this his station and the headquarters of his division.

II. Brig. Gen. William A. Kobbé, U. S. Volunteers, is assigned to the command of the military district of Mindanao and Jolo Archipelago, to take effect as soon as he may reach the headquarters of that district after the execution of the duties which have been assigned to him in the third paragraph of this order.

III. Brig. Gen. William A. Kobbé, U. S. Volunteers, will proceed to-morrow, the 21st instant, or as soon thereafter as practicable, by steamer *Aeolus*, with rations for the garrisons at Legaspi, Calbayog, Tacloban, and for the detachments in the near vicinity of those stations, when he will direct proper disposition of the same, and he will thereupon visit the several points at which he has stationed the troops of the Forty-third and Forty-seventh Infantry, U. S. Volunteers, and Light Battery G, Third U. S. Artillery, and give such instructions as immediate exigencies or demands may require. This duty performed, he will proceed direct by steamer *Aeolus* to Zamboanga, the headquarters of the military district of Mindanao and Jolo Archipelago, to the command of which he has been assigned in the second paragraph of this order.

IV. After the movement of the Fortieth Infantry, U. S. Volunteers, from the southeastern portion of Luzon, as directed in the first paragraph of this order, the remaining troops in that section, consisting of the Forty-fifth and Forty-seventh Infantry, U. S. Volunteers, Light Battery G, Third U. S. Artillery, and certain detachments of cavalry and staff organizations, will comprise a brigade of the First Division,

Eighth Army Corps, to the command of which Brig. Gen. James M. Bell is hereby assigned. General Bell will assume active command of these troops as soon as practicable, reporting his action hereunder to the commanding general of the First Division of the corps.

V. The military control of the islands of Samar and Leyte, which were temporarily placed under the command of Brig. Gen. William A. Kobbé, U. S. Volunteers, for the purpose of taking forcible possession of the same from the enemy and establishing therein the necessary garrisons, will revert to the supervision of the commanding general of the Visayan military district, to the headquarters of which the commanding officer of troops now occupying these islands will report for instructions.

By command of Major-General Otis:

M. BARBER, .
Assistant Adjutant-General.

GENERAL ORDERS, }
No. 36. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 20, 1900.

I. Brig. Gen. William A. Kobbé, U. S. Volunteers, is hereby relieved as military governor of the province of Albay, Luzon, and the Island of Catanduanes, to which he was appointed in general orders from this office of January 15 last, and of the islands of Samar and Leyte, to the temporary governorship of which he was also appointed by the same order, and is hereby announced as military governor of the district of Mindanao and Jolo Archipelago, to the garrisons and troops of which district he has been duly appointed as commanding general in department orders this day issued.

II. Brig. Gen. James M. Bell, U. S. Volunteers, is appointed military governor of the provinces of Camarines, Albay, and Sorsogon, Luzon, of the island of Catanduanes, and of the small adjacent islands in the immediate vicinity of those provinces and islands which are north of the San Bernardino Strait. The district will be known and designated as the "District of Southeastern Luzon."

General Bell will complete the establishment, through the detail of officers and assistants, of the customs and internal revenue offices necessary for public administration in his district, which will be conducted as prescribed in orders from this office, and the specific regulations issued from the customs and internal revenue offices of Manila.

Customs officers (designated inspectors of customs) and internal-revenue officers, whom it is yet necessary to appoint to transact the customs and internal revenue business at the more important coast and interior towns, will be named by him to this office for confirmation.

Upon application and for the guidance of such appointees, the chief officers of customs and internal revenue of the islands, the captain of the port of Manila, and the auditor of public funds will furnish them with such letters of instructions, circulars, orders, and blank forms relating to the performance of their civil duties as may pertain to the departments of civil administration to which they may be assigned.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

After the dispositions directed in the foregoing orders were consummated, the remaining insurgents in the Camarines assumed the rôle of bandits, as in Samar and Leyte, and gave great annoyance to the inhabitants of the barrios not occupied by our troops. For their protection General Bell called for additional troops, especially cavalry, whereupon a squadron of the Eleventh Cavalry was sent him, thereby increasing his effective force to 2,600 men.

The result of General Kobbé's inspection of the stations which he had established, made just preceding his departure for Zamboanga, the headquarters of the Mindanao and Jolo district, is given in his dispatch of April 8 from Cebu, which appears on page 204 of this report. But before commenting upon the actions of Generals Bates and Kobbé at the south we will present the operations in the Visayan military

district, commanded by Brigadier-General Hughes. This district embraced what is commonly known as the Visayas Islands, with headquarters at Iloilo, Panay. Our last annual report, rendered on August 31, showed that the city of Iloilo, with its outlying villages; the city of Cebu, on the island of that name, with the mountain country within a radius of a few miles; and the important positions in the island of Negros, contained the only territory of the district within the possession of our troops.

These troops consisted of Light Battery G, of the Sixth Artillery, the Eighteenth Infantry, and a battalion of the Nineteenth Infantry, which were stationed in Panay; the Sixth Infantry garrisoned important stations in Negros; one battalion of the Nineteenth and one of the Twenty-third held the city of Cebu. Two battalions of the Nineteenth Infantry had relieved the Tennessee regiment, of which two battalions had been stationed in Panay and one in Cebu. Colonel Snyder, who was commanding at the latter point, reported, early in September, the threatening attitude assumed there by the enemy, when General Hughes reenforced him by a detachment of Battery G, Sixth Artillery, and two companies of the Sixth Infantry. With his battalion of the Nineteenth Infantry, a portion of the Tennessee battalion still remaining, the detachments sent him and a portion of the Twenty-third Infantry Battalion, he moved against the enemy (who now nearly encircled the city of Cebu) on September 22, and reported as a result of his operations, which extended through the following day, that he had driven the enemy off, had captured 7 of his forts and 14 of his intrenched positions, with his cannon and a few small arms, suffering the loss of 1 man killed and 4 wounded; that the loss of the enemy, who had been scattered over the mountains to the southwestward, and whom it was impossible to follow because of lack of transportation, he estimated at 40 men. No further Cebu operations took place for some time, as additional troops and transportation were required to insure any decided and permanent success. On October 21 General Hughes was informed that the remaining battalion of the Nineteenth Infantry and a large amount of transportation would leave Manila for Iloilo on October 24 and would be followed in a few days by an entire regiment of volunteers.

The island of Negros, which had been made a subdistrict of the Visayan military district in March, to the command of which Brigadier-General Smith, then colonel of the California Volunteers, had been assigned, in which the California troops had been succeeded by the Sixth Infantry, and over which, in July, an abridged form of civil government (character and scope of same fully given in my last annual report) had been extended, was about to hold an election for the choice of a civil governor and advisory council. General Smith had made the necessary provisions for the registration of voters, the preparation of ballots, the method of casting votes, and had announced the time of the election for October 2. The inhabitants of Negros had taken very kindly to this feature of experimental abridged civil government, and the leading citizens had warmly expressed their sense of obligation to the American authorities for this manifested confidence in their ability to conduct in a measure their internal civil affairs. On September 24 one of the leading insurgent chiefs, Gen. Ignacio Lopez, with 64 armed men, surrendered to Captain Byrne at Castellano, and the insurgents at Panay (not Tagalos) applied to know what promises would be given them in case of their formal submission.

General Hughes informed the latter that they must surrender their arms and disband their forces before any terms could be considered or any promises made, but their action seemed to indicate a desire to receive the consideration which had been extended to Negros. However, this fortunate progress of affairs in that island was disquieting to the Tagalos, a few of whom resided there, while a large force of their soldiers, mostly from Luzon, dominated Panay. They, under the influence and general direction of Aguinaldo and of certain agents of the junta at Hongkong, who were sent from that place to foment discord, entered some of the coast towns of Negros, and especially its mountain sections, and were successful in collecting bolo men and mountain robbers, to some of whom they furnished rifles, and with these bands were able to annoy our troops and plunder the inhabitants. They were pursued into the mountains and throughout the island, the native police force of 200 men which we had equipped performing most excellent service in the pursuit. On October 1 Captain Poore, with his company of the Sixth Infantry, attacked one of their intrenched camps, killed 20, including 2 noted robbers, captured 12 rifles, a large supply of ammunition, and all of their stores. His casualties were Lieutenant Grubbs, of the regiment, killed; Assistant Surgeon Shillock and 3 enlisted men very slightly wounded. On October 21 Lieutenant Simons, Sixth Infantry, struck a village of Tulisanes near San Carlos, killing and wounding 9. A few days later Captain Evans, of the same regiment, attacked a band near Castellano, killed 10, wounded many, and captured 20. Captain Byrne, of that regiment, encountered another band, killed 10 and captured 13, while our native troops, who had discovered another small band destroyed 6. This, to them, surprising and destructive activity, drove the Tagalos from the island, for a time at least, and on November 1 General Hughes reported that Negros was "in a better state of lawful submission than for twenty years; that planters were no longer in danger."

The election created a good deal of enthusiasm, but passed off very quietly. Over 5,000 votes were polled, and no frauds attempted. The count was so close, however, that it was feared a contested election would result, but the inhabitants accepted the official count, and the inauguration of the newly elected officers was announced for November 6. It took place under the supervision of General Smith, and the newly installed civil governor sent the following cable dispatch through the office of the military governor at Manila:

NEGROS, November 7, 1899.

His Excellency the PRESIDENT OF THE UNITED STATES:

The civil governor, councilors, judges, and secretaries who constitute the new government of this island, in taking possession of their offices this day, have the high honor of affectionately saluting your excellency, and trust that in the inauguration of this form of government, based upon the liberal and democratic institutions which have made that great Republic so grand and prosperous, a new era will open up to this region, which will enable it to reach the ultimate goal of its aspirations.

MELECIO SEVERINO.

During the remainder of the month all reports from the island were of the most encouraging nature. The chief insurgent leader at the north voluntarily surrendered without asking conditions. The people, assured of security, were apparently cheerful and hopeful, and recommenced in earnest their agricultural and other pursuits. More

planting was being done and more sugar mills were in operation than at any period since the inauguration of the revolt against Spain. The form of government which had been put in operation worked excellently under the wise supervision of General Smith, who retained the confidence of all parties and factions.

The Third Battalion of the Nineteenth Infantry and the Twenty-sixth U. S. Volunteers were sent to Iloilo during the last week of October. They had been preceded by a fair amount of quartermaster's transportation and a few small guns from which, together with those already there, a mountain battery might be organized. General Hughes commenced at once his preparations to move against the Panay insurgents. They had constructed intrenched lines of defense within short distances of the city on all roads radiating from it which they had thrown up in part in 1898 while fighting the Spanish troops, and which, with the labor expended upon them since that time, they believed to be unassailable. The insurgent encircling force was estimated at from two to three thousand, mostly Tagalos, the great majority of whom had been sent into the island to assist the Visayans to drive out Spain and to resist the forcible entry into the city of General Miller with his United States troops, which entry was threatened from December 28, 1898, when General Miller took possession of Iloilo Harbor, until it was finally consummated on the 11th of February following.

The Tagalos and Visayans have never held any very long continued amicable relations. Birth prejudice, attempted Tagalo direction, and the desire of many influential Visayans to follow the lead of Negros had destroyed all mutual confidence, if any had ever existed, and as a result the Tagalos had appropriated nearly all the guns in the island and held the Visayans in restraint. Their differences were reported to be quite serious, and at one time it was believed that if not interfered with, they, after the manner pursued by the factions of southern Mindanao, would fight out the war in that section among themselves.

Examining the topography of Panay it will be seen that the four provinces into which it is divided have boundaries determined naturally by mountain ranges and high watersheds. The central provinces of Iloilo to the south and Capiz to the north are separated from Antique on the west by an almost inaccessible mountain range, and from the small province of Concepcion on the east coast by a range of high land from which the rivers flow northward and eastward. They are separated from each other by the elevated divide extending from the mountains which mark the eastern limit of the province of Antique to the western line of Concepcion province.

The town of Capiz, on the extreme north of the island, is connected with the city of Iloilo by a rough wagon road, along which runs the old telegraph line which connected the former cable termini at Capiz and Iloilo. A few insurgent troops were maintained at Capiz, but the great majority of them were concentrated in the southern section of Iloilo province, south of the town of Cabatuan, where the insurgent capital had been established. General Miller on February 12, 1899, a few days after occupying the city of Iloilo, had seized the near villages of Molo and Jaro, and had subsequently reconnoitered the country to Oton, on the coast, and to the north and northwest in the direction of Pavia and San Miguel. In whatever direction he prospected he found a fair force of the enemy to oppose his advance. The instructions

given to General Hughes in June, when he left Manila to take command of the Visayan district, were to limit all his operations in Panay to the secure holding of the city of Iloilo and such of its outlying villages as were then in our possession, "as no additional force could be given him, and as the policy of nonaction in the island other than such as might be considered defensive would result in dissensions between the Visayan and Tagalo, who should we attack would unite for resistance." The policy of waiting, in so far as active war operations were concerned, was resorted to at Iloilo, the insurgents being made to confine themselves to their intrenchments until the October reinforcements of 1,700 men were sent there. Upon the arrival of these reinforcements one of the most severe typhoons that had ever visited that section of country set in and prevailed for several days, but General Hughes commenced his advance on November 9.

The plan of operations determined upon was to turn the right of the enemy by marching a column consisting of two battalions of the Nineteenth Infantry, a battalion of the Eighteenth, the mountain battery, and a mounted detachment over the south coast road to Oton, thence north to San Miguel and Almodian, swinging in on Cabatuan, when Lieutenant-Colonel Dickman, with a portion of the Twenty-sixth Volunteers, assisted by men of the Sixth Infantry withdrawn from Negros, should attack at Jaro, and Colonel Carpenter, with Light Battery G, Sixth Artillery, and two battalions of the Eighteenth Infantry, should attack Pavia and Santa Barbara. The excessive rain compelled a modification of the plans. General Hughes, commanding the marching column, reached Oton on November 10, from which he reported as follows:

Water-logged by typhoon. Have modified plans. Bottom fallen out of San Miguel road. Tigbauan was occupied to-day. Fine defensive works everywhere, but defenders disappeared without firing a shot. Fear much delay owing to stormy weather.

On November 12 he reported the following from Tigbauan:

Cordoba occupied by Huston's battalion of the Nineteenth Infantry, mounted detachment, and mountain battery. No resistance offered. The balance of the force has been assembled here. Rain has been exceedingly heavy. There is a bottom to the road from here to Cabatuan so far as examined. We have had to build one bridge, but will delay a little for stream to run out. Command in excellent spirits and health.

He further reported from Tigbauan the following day that the advance had entered Leon where the enemy had offered the first resistance and had been driven out with loss, but that he had not suffered any casualties. On November 20 he encountered the enemy strongly intrenched at the crossing of the Aganao River on the road from Leon to Almodian. After three hours maneuvering and fighting he drove him from all positions, suffering a loss of four men wounded. He immediately moved on to and seized Almodian and directed an attack by Carpenter's force on Pavia.

At dawn on November 21 Colonel Dickman with his force, consisting of six companies of the Twenty-sixth Volunteers and one of the Sixth Infantry, attacked near Jaro, captured the strong position of the enemy by a charge on the flank of his works and completely routed him with a loss of 18 killed, 9 prisoners, 4 one-pounder brass field pieces, 2 rifles, and several thousand cartridges. Colonel Dickman's casualties were 6 men wounded. At the same time Carpenter with his

Light Battery and two battalions of the Eighteenth Infantry attacked the insurgent stronghold at Pavia, 3 miles north of Jaro. The fighting continued until noon, with a loss to Carpenter of 5 men killed, 20 quite seriously wounded, who were sent to the hospital at Iloilo, and some 15 others slightly wounded, but who remained with the command. The enemy's loss was very heavy in both men and material. On the morning of the 22d Carpenter advanced to Santa Barbara, which he occupied without resistance. From Cabatuan on November 23, General Hughes reported the results of these operations as follows:

The enemy has been driven out from Pavia, Santa Barbara, San Miguel, Oton, Tigbauan, Cordoba, Leon, Almodian, Maasin, and Cabatuan, the seat of government, and the boasted army headquarters have taken to the mountains. There were but two actions, the first on the 20th at the crossing of the Aganao, and when the result of that action was certain, and the enemy had shown his full strength on that front, it was evident that it would be entirely safe for Colonel Carpenter to attack at Pavia, and he was ordered by signal to do so. He attacked the advance of the enemy on the south of the Aganao at daylight and drove them into Pavia. He then attacked the defenses of Pavia and took the place. These actions compelled the abandonment of Santa Barbara, Maasin, and Cabatuan. * * * Captured 10 prisoners, 18 cannon of all kinds, 6 rifles, quantities of ammunition, powder, etc.

These victories appeared to have greatly scattered, if they did not destroy, for a short time at least, all of the insurgent armed organizations. Three or four days thereafter General Hughes, continuing his march northward, entered Passi, in the northern portion of Iloilo province, Carpenter in the meantime moving eastward into the province of Concepcion without encountering any material opposition. On December 3 the General cabled from Iloilo, to which place he had returned, that he hoped to be able to send very soon into Cebu the mountain battery, the detachment of scouts, and the two battalions of the Nineteenth Infantry, and at the same time to dispatch for the island of Bohol two or three companies of the Sixth Infantry. He returned to middle Panay, prospected with his troops in that section, marched north, occupied the town of Capiz, and, assisted by a naval force, proceeded thence with two companies Eighteenth Infantry to the island of Romblon, from which he reported the following:

ROMBLON, December 16, 1899.

BARRY, Manila:

Crossed Panay Mountains as proposed. Slight opposition on debouching at Dumaro, which was brushed away by Gordon's scouts and Shank's battalion Eighteenth Infantry. Other towns Capiz province received us with bands of music instead of Mausers. At same time Carpenter cleared province of Concepcion. Having assistance of steamer *El Cano* and Captain Ackley's naval vessels, he followed coast, scattered the insurgents, and arrived off Capiz the 12th instant. I occupied Capiz with my command on the 10th. Diacno and his Tagalos reported to have escaped by steamers by this route. Documents indicate that this place is center of insurgents' postal service, and therefore has been taken possession of to-day by two companies Eighteenth Infantry. We were assisted in operations against Romblon by Captain Ackley with the *Concord* and the gunboat *Paragua*, Captain McFarland making land attack with two companies. The whole matter was settled in half an hour. Our casualties: Private Charles J. Feeley, Company C, Eighteenth Infantry, killed; one seaman on *Paragua* wounded. Expect to go to Cebu to-night via Capiz, taking up First Battalion Nineteenth Infantry at that place. Will leave Carpenter in command at Capiz with six companies of his regiment.

HUGHES.

The small island of Romblon, north of Panay, from which this report was rendered, is situated on what was then the water route of insurgent communication between Luzon and the western Visayan Islands,

and became of great importance to the Tagalos of Luzon, both in dispatching troops for the south and as a point from which to distribute information and issue instructions. From Romblon, Panay was very easy of access, and from Panay correspondence could be conveyed across Negros and Cebu to Bohol with little difficulty. With this latter island, northern Mindanao, Samar, and Leyte had frequent communication. The garrison of two companies still remains at Romblon, and nearly all coasting vessels plying the southern Philippine waters touch and report there.

While General Hughes was absent in the north, Negros again experienced social and political difficulties. On December 18, General Smith cabled from Bacolod, the capital of the island, that—

Three agents, Junta Hongkong, Candido Mortillo, Pedro Yunki, Mariano Villanueva, arrived in Negros latter part of November with orders to stir up Negros, as its attitude was stumbling block to peace and aspirations of insurgents. They brought with them copies of Blumentritt's letter and word that absolute independence would be granted by Congress in December or January, and then let Negros beware. Planned general rising all pueblos for 2d December, and arrangements made with Panay to land force between Himamaylan and Pulupandan from Guimaras, and between Saravia and Manapla from Tenurian gunboats. Unable to prevent force of 86 from landing south of Miranda. Most of those in north were really driven out of Panay by General Hughes's advance, and nothing has been heard of them. Agents succeeded in getting Milicianos of Valladolid, Pulupandan, and Bago into field as part of general projected rising, and with 63 rifles and 320 Macheteros encountered Ledyard's scouting party, receiving such severe handling that they retreated to mountains, leaving 16 dead, and 1 of their chiefs on the field. The American corporal, after death of Ledyard, retired to Carlota without molestation. Many of Milicianos who were in this fight have deserted, some surrendering their arms, claiming to have been deceived; others in hiding. The 86 Tagals retreating for Guimaras assaulted, with connivance of people, 11 Americans in Ginigaran, but were defeated and chief captured. Town fined \$10,000. All officials and principal citizens arrested. Valladolid, Pulupandan, and Bago also fined. Governor gone north, ostensibly to counsel peace. Believed he is in good faith; but am watching, although he has given good information. Two padres concerned in this trouble. What shall I do with them? American clergymen wanted here badly. Colonel Byrne in pursuit of Guimaras outfit. Tagals in north supposed to be in neighborhood of Manzanares, in mountains, with about 300 macheteros. In this island are some 2,000 Babaylanes and outlaws, largely bequeathed by Spain, but increased by present conditions. They have not as yet arrived at the bad dignity of insurgents. This influence from Panay necessitates 3 companies additional herein, inasmuch as Negros is now the objective of the Junta, and we have not only the duty of looking out for ourselves, but also of protecting our adherents in the pueblos. The danger here is from the ignorant people, who, of course, are in the majority, and are easily imposed upon by most improbable statements of designing persons. Our friends are naturally timid, and only come valiantly to our side when the storm has passed. Elections went off peaceably and quietly, every pueblo in existence in the island taking part, and full of enthusiasm. Only trouble that developed was close vote for governor, and that was left to judges and council to settle. The government is working earnestly and energetically without friction. All would be serene here if there was no outside interference, no landings of the dreaded Tagals, and no fear that Aguinaldo may come into power and punish Negros for what it has done. When the influential man fears these things, he ceases to be our earnest advocate, and the ignorant designing obtain the mastery until some deed of our arms gives confidence again. Bago, Pulupandan, and Bacolod have protested against present trouble, and civil government and meeting of prominent men request that all good citizens join in bringing about tranquillity.

General Smith was promptly informed that he could have all the troops for Negros he wanted, and was asked how large an additional force he required. A battalion of the Forty-fourth Volunteers, which had just arrived in Manila harbor, was directed to proceed to Negros, and it was intended to send to the Visayan district the headquarters

and two remaining battalions of the same as soon as points at which they were most needed could be determined. In the meantime General Hughes had returned to his headquarters at Iloilo, whence, on December 20, he cabled the following:

Situation in Panay: No organized enemy now known to be in the provinces of Iloilo, Concepcion, or Capiz. Possibly a force may still be in Valley Acklan, as I could not reach it by either road or trail from Capiz, and during this monsoon coast landings impracticable. It will have to be reached from west coast. Antique province has not yet been touched, but plans have been made for doing so. The business of the island has improved, and but two or three complaints of robbers have so far been received. Situation in Negros: Some insurgents did doubtless endeavor to escape from Panay to central and northern Negros, but I was in Dumaguete yesterday, and eastern and southern Negros are reported to be absolutely at rest, and everybody attending to business. The business men now here from Negros are busy about their affairs and do not fear serious trouble. Experience has taught me to discount heavily telegrams from Bacolod, but I shall look into the matter very carefully. In Cebu the troops have done nothing since the raid of the Tennessee Volunteers. There are now 14 companies and 2 field and 2 mountain guns on that island. When I reached there on the 18th the estimated strength of the insurgents was 150 rifles. During the evening a report came in stating that 250 rifles and 3,500 rounds of ammunition had been landed at Sogod from Leyte. The enemy are located on the mountain ridges and reaching them is too difficult, * * * So far as I can learn in the few hours I have been back everything has gone as anticipated and there are no reasons for anxiety. Hale's battalion being ordered directly to Negros, do the others of the Forty-fourth come to the district?

The General was informed on December 23 that Major Hale's battalion of the Forty-fourth had sailed from Manila for Negros that morning, and that headquarters and the remaining battalions would sail by transport *Hancock* for Iloilo on the evening of the 25th. He was also informed that no movement on either Samar or Leyte had yet been inaugurated, but would be made in conjunction with his troops if he might have any to spare for that purpose—he sending them to the western and southern coast of Leyte. He was requested to report as soon as practicable what dispositions he could make to carry out this suggestion, and at the same time to keep all country already covered by his troops efficiently policed. On the 25th he reported that the insurgents had attacked Captain Brownwell's company of the Twenty-sixth Volunteers the 22d instant at the town of Sara, Concepcion province, had been repulsed with heavy loss in men, and 26 rifles had been taken from them; also that the insurgents of Romblon were reporting and surrendering their arms to Captain McFarland.

At the time of the attack on Sara the General was about to rearrange the locations of his troops, intending to station the entire Eighteenth Infantry in the country north of the southern line of the province of Capiz, the Twenty-sixth Volunteers in the southern and central portions of Iloilo province, and the entire Sixth Infantry in Negros. A battalion of the Nineteenth Infantry, intended for Cebu, with the mounted detachment, a portion of the mountain battery, and the mule train, was then en route for Iloilo from Capiz by the Mambusao and Tapaz trail. The Forty-fourth Infantry upon arrival might be available for the islands of Bohol and Leyte. The insurgents who attacked the town of Sara were evidently Tagalos, who had partially reunited after they were driven into northern Panay. Some of them had escaped to their homes by the Romblon route, but the majority had retreated to the mountains of the northwestern and western portions of the island, through which our troops soon after pursued them with varying success.

Friction between the Negros people of divergent opinions again caused excitement and gave the troops renewed activity. General Hughes on January 13 repeated a dispatch he had received from Lieutenant-Colonel Byrne, of the Fortieth Infantry, which stated briefly the origin of some of the difficulty. The repeated dispatch is as follows:

ILOILO, January 13, 1900.

BARRY, Manila:

Following was received, sent me from Negros in reply to request for facts:

"Angel Araneta arrived La Carlota shortly before the breaking out of revolution there. His arrival was regarded as a sign of trouble and caused uneasiness. I had previously heard of him as a promoter of revolutions in Iloilo, although very adroitly professing friendship for Americans, as all revolutionists do. I had him watched, and found he made visits to the coast shortly before the revolution broke out there. I was also informed, on good authority, that at a dinner he said that anyone who befriended the Americans would be assassinated when the Filipinos came in power. I was also informed that he was accumulating arms at his hacienda. Thinking it time, in view of the serious condition of affairs, to act, and knowing his general reputation to be very bad as a revolutionist, I searched his house, and found 2 rifles, 3 revolvers, 2 shotguns, 300 rounds of ammunition, and other weapons. Have kept him in confinement to help keep peace in this vicinity.

BYRNE."

HUGHES.

On January 16, the day General Hughes departed for the western Panay coast, his adjutant-general at Iloilo telegraphed a report he had received that morning from General Smith. It reads:

ILOILO, January 16, 1900.

BARRY, Manila:

General Smith transmits report from Lieutenant-Colonel Byrne that Zoilo Mauricio, Tagalo from Panay, who landed at Ginigaran with 86 rifles and took part in the attack on that place December 7, asked for conference on 13th, which was granted. Zoilo appeared at conference with 30 Tagalos well armed and uniformed. Stated he had been invited by some leading people of Negros to land and take command of revolutionary forces; that he was much disappointed with outlook; did not want to fight Americans; wanted safe place in which to reside until autonomy was granted in Luzon, when he would surrender. Pending this he proposed a truce, Filipino officers to be permitted to wear uniforms and side arms in pueblos. Colonel Byrne replied that there could be no such understanding; that Tagalos were acting the part of bandits and outlaws, and that no conditions would be considered except unconditional surrender; that if they choose to return to the mountains they would be hunted down and destroyed as long as one of them was in arms against the Government. Zoilo refused these terms and returned to the mountains. Byrne obtained full information of location of enemy and (as I understand from message) that same night returned Zoilo's call with 70 men, attacking at dawn next day. Byrne and Nesbit, with advance party of 20 men, surprised headquarters and routed enemy completely. Nineteen of Zoilo's Tagalos were killed, 28 Mauser, Remington, and Murratta rifles in perfect condition, and 19 belts containing 1,400 rounds of ammunition were captured. One insurgent officer killed; reported, but not confirmed, that it was Mauricio himself. Night march was very trying and severe. Necessitated climbing almost perpendicular side of mountains. No casualties on our side.

MANN.

This prompt action brought to a speedy termination the threatened Tagalo activity and reproduced the accustomed quiet in Negros. In Cebu, to which had been sent the second battalion of the Nineteenth Infantry and part of the Forty-fourth Volunteers, the efforts of the enemy had received a severe check. On January 9 report was received from Iloilo that Colonel Snyder at Cebu had wired the complete success on the previous day of certain operations conducted by detachments of the Nineteenth and Twenty-third Infantry, the Forty-fourth Volunteers, and a section of Light Battery G, Sixth Artillery,

against insurgents in Sudlon mountains, on main mountain chain northwest of Cebu. The enemy's entire position and many forts and intrenchments were taken and 11 smoothbore cannon and 33 rifles were captured. Our casualties were 5 men wounded. Eight of the enemy's dead were found on the field. The insurgents were completely scattered and native laborers destroyed all of their intrenchments. Three companies of the Forty-fourth Volunteers and one of the Nineteenth Infantry were dispatched on reconnoissances towards Toledo and Balamban in western Cebu. The troops captured successively the important towns and cities on the east of the island, meeting with considerable difficulty at the south of the city of Cebu, near the towns of El Pardo and Talisay. They passed over the mountain trails to the westward, in which they met with frequent opposition from small bands of insurgents, and garrisoned the principal points on the west coast. Our casualties were few, but the enemy, always worsted, suffered largely in men and property.

On January 16 General Hughes sailed for the west coast of Panay with a battalion of the Nineteenth Infantry commanded by Major Huston, two companies of the Sixth Infantry under Captain Walker, a battalion of selected men from the Forty-fourth Volunteers commanded by Lieutenant-Colonel Scott, and Captain Gordon's scouts. He landed one of these battalions on the southwestern coast of the island, which marched northward across the jutting point of land which forms its extreme southern boundary, and proceeded with the remainder of his troops to San Jose de Buenavista, the capital and principal city of the province of Antique. He occupied the city and moved up the coast, marching detachments to the main interior towns of the province, which met with only slight resistance from a few small bands, composed principally of Tagalos. The mass of the people deserted their places of abode and fled to the mountains. A native priest accounted for the fear exhibited on the part of the inhabitants by the fact that they knew nothing of the Americans except what had been told them by the Spanish clergy during or just preceding the Spanish war; that they were thoroughly impressed with the belief that all Americans were a cruel and godless lot and had come to rob and destroy them. The Tagalos had looked upon this coast as a place of comparative safety for the landing of troops and the concealment of their boats. A schooner of considerable size, which had received a part of its armament, was captured in one of the rivers quite a distance from its mouth, and a small amount of war material was obtained.

Leaving Major Huston, with his battalion of the Nineteenth Infantry, to look after the affairs of the province, General Hughes sent two companies of the Sixth Infantry and Captain Gordon's scouts to the northern coast of the island by the route from Pandan to Ibajay, and directed the battalion of the Forty-fourth Infantry to march across the mountains into the upper Aclan Valley, thence to proceed over the rough trail to the north in the direction of Calivo. He reported this movement from his headquarters at Iloilo, to which point he had returned, in the following cablegram:

ILOILO, February 3, 1900.

BARRY, Manila:

Lieutenant-Colonel Scott, with 200 picked men Forty-fourth, crossed mountains from Paringayan into upper Aclan Valley. Gordon's scouts and Captain Walker, Sixth, crossed Pass Pandan to Ibajay; objective of both, Calivo. Three or four hun-

dred Tagalos fled from Calivo on appearance Gordon's scouts January 30. Were pursued up the Actao the 31st by Walker and Gordon. Finding Scott on their line of retreat, they scattered in mountains. A small force attempted to oppose Scott, fording river at Madalag, but were brushed away. Our only casualty Noah L. Short, H, Forty-fourth, wounded right thigh. Left Walker with two companies Sixth in Calivo. Returned here with rest of command.

HUGHES.

Three days thereafter the following message was received from Iloilo:

FEBRUARY 6, 1900.

General OTIS, *Manila*:

Schwan telegraphed December 23 asking cooperation on west coast of Leyte. Answered would endeavor to do so after Aclan Valley expedition, with one or two battalions. Keep faith by offering one, but confess I would rather not send it until some disturbances threatened in Panay are quieted.

HUGHES.

The insurgents evidently had reunited in small bands and returned from the mountain country, determined to annoy our troops by surprise and ambush, if not destroy them in part, scattered as our companies now were among the more important towns of the island. They drew their subsistence, of course, from the inhabitants, whom they compelled to contribute of their scant food and also of their money and treasures. Secure concealment by the people of their personal property alone made it safe, and by furnishing information to our officers they would, if detected by the robbers, forfeit their lives. These bands committed their depredations not only in northern and central Panay, but visited the southern portions of Iloilo province. They, however, gradually tired or became dissatisfied with their occupation, as it was attended with great risk and little recompense, for our men were active, were more than a match for them at brush tactics, and caught them continually either at a disadvantage or under circumstances where their superior marksmanship and intelligence were abundantly rewarded. About the middle of February 167 Tagalos, with 100 rifles, surrendered to the commanding officer of the troops at Capiz, and were sent at Government expense to the town of Taal, on the southern Luzon coast, from which place they were permitted to go to their homes in different sections of that island. Occasionally an insurgent band scored a slight success, one of which, and one quite unfortunate for our troops, occurred on February 28, which was reported by Lieutenant McBroom, of the Eighteenth Infantry, commanding a company of that regiment at Mambusao, Capiz province. His report was as follows:

Sent detachment under sergeant to gain information of roads from Jamindan to Aclan Valley, and trail from Jamindan to Jimeno. He arrived at Jamindan without accident or anything suspicious occurring, the natives saying there were no insurgents in mountains. Yesterday party was started to Mambusao to report, while main body was to attempt to go to Jimeno. Insurgents opened fire on party sent back; the others went to the scene; firing lasted two hours. Our men held Jamindan, and to-day fought their way back to Mambusao. Report insurgents in considerable force intrenched in hills between Jagnaya and Jamindan. Four men missing from party sent back—all Company I, Eighteenth Infantry: Israel Cook, George M. Williams, Walter H. Cowern, and Maurice Driscoll; not known whether killed or captured. No other casualties.

The above is an exceptional case, as in the great majority of these minor affairs our troops suffered no losses. A few days previous Lieutenant-Colonel Dickman surrounded and captured at Dingle, in the Iloilo province, without casualty, a band of 46 insurgents, and later, in the month of March, Lieutenant Brooks, of the Eighteenth Infantry,

struck a band near Pontevedra and Pilar, on the northern Panay coast, which left 14 dead and 5 wounded on the field of battle, together with 19 rifles. His loss was 1 man killed and 2 wounded. This character of warfare will doubtless continue for some time. The Spaniards never held central Panay in subjection. It has always been at the mercy of ladrone bands, and the experience which they are now receiving is their first severe lesson in imposed individual restraint. The coast cities of Panay were opened to the coasting trade of the islands as rapidly as they were occupied by our troops. Until the capture of Capiz, on the northern boundary, the only outlet for outside trade was the city of Iloilo; then San Jose de Buenavista and Calivo followed. The merchants and inhabitants quickly availed themselves of trade privileges, and Panay is in about as flourishing a condition as during Spanish domination prior to the native revolt of 1896.

By the middle of March the progress made in Panay, Negros, and Cebu enabled General Hughes to look after affairs in the more eastern islands of his district. Major Hale, of the Forty-fourth Infantry, landed in Bohol on March 17 without opposition. He was hospitably received by the inhabitants, who had suffered greatly from the depredations of the Cebu, Leyte, and northern Mindanao insurgents. Major Hale quickly distributed his troops throughout the island, and by his judicious and conservative action in protecting the rights of the people and in opening up the former avenues of trade won their confidence to such a degree that he or any of his men were able to journey through the island in comparative personal security without guard or escort. While awaiting the time when the United States could take active possession of the island the inhabitants had established a crude form of government. This peaceably gave way to United States military control, which the people desired and for which on several occasions they had importuned.

Early in April General Hughes made a personal inspection of the eastern section of his district, over which General Kobbe had been exercising supervision, looking particularly into the affairs of Leyte and Samar, to the former of which he took from Cebu two companies of the Twenty-third Infantry. The result of that inspection was submitted April 17 from Iloilo, and appears on page 204 of this report. Therein he briefly sums up the conditions then existing in Panay and Cebu, remarking that the insurgent general, Fullon, of the province of Antique, Panay, had applied for permission to visit Iloilo and was then supposedly en route for that point; that one of the generals in Occidental Cebu had been killed a few days before, and that matters were progressing slowly; that the commanding officer in that island had dismissed "The Junta Insular and Municipal," formed before the advent of the army, and had taken charge of the government, which would simplify matters very much, as the junta had given constant annoyance. This junta had been in charge of municipal affairs of the island during our entire occupation. It had not been disturbed for reasons given in my report of last year, wherein I remarked that:

After the capture of Iloilo the navy visited the city of Cebu and took quiet possession of the place—the commanding officer of the force assuming direction of the business of captain of the port and collector of customs, and entering into an arrangement with the more prominent citizens to permit them to conduct their own internal affairs. * * * The battalion of the Twenty-third Infantry which was sent to Cebu

the latter part of February had not taken any action in civil matters but had preserved order in the community. The citizens had looked after their own local interests, and officers of the navy had continued to conduct harbor and customs affairs, from which they were now relieved by army officers detailed to perform the duties of those positions. Shortly thereafter the dissensions between the well-disposed and hostile-intentioned natives became bitter and culminated in the assassination of one of the most prominent citizens simply because he advocated United States protection, and attempts were made upon the lives of others who favored United States occupation.

This junta proved to be nothing more nor less than an insurgent body which failed to give any protection whatever to friendly-disposed inhabitants. In fact, the ablest man of that section of country, Judge Llorente, a present member of the supreme court of the Philippines, has been unable to visit his home in Cebu without placing life in jeopardy. It therefore became an absolute necessity to overthrow this so-called civil establishment, and any future government of a civil character must await a manifested, more pacific disposition on the part of many of the influential natives.

The topography of all the Visayan Islands is very advantageous for defense. In all, the greater proportion of the territory is rough and mountainous. The people who inhabit the mountain country are densely ignorant, superstitious, easily influenced by the abler natives, and many of them still hold to their ancient gods and heathen ceremonies. This class has always robbed its lowland neighbors, and from it the insurgent Tagalos have drawn their principal assistance, especially the bolo contingent, which has in many instances been induced to viciously attack our troops, and has in consequence suffered severely. To reduce this class of people to submission or to entirely check its forays on the coast towns—an occupation acquired from or existing in heredity—must necessarily be a labor of time; but our troops, unlike those which were maintained by Spain, pursue them to their mountain concealments, and inflict punishments they neither anticipate nor think possible. In the islands of Panay, Negros, and Cebu over fifty military stations are maintained; consequently the majority of the inhabitants are comparatively secure, and are gradually gaining confidence, so much so that in many instances they have given us assistance without fearing the vengeance of their adversaries, which would surely visit them were our protection withdrawn.

Prior to reporting the operations on the north Mindanao coast of the troops sent there from Manila on March 20, under the command of Major-General Bates, a brief review of our military experience within the district of Mindanao and Jolo should be presented. At the date of our last annual report the only troops stationed within the district were the two battalions of the Twenty-third Infantry, of which six companies were stationed at the port of Jolo, one at Siassi, and one at Bongao on the Tauai Tauai group of islands. The Moros of the Jolo Archipelago, through their datos, professed friendship which their actions indicated. The Sultan, however, continued to keep somewhat aloof, pressing his money claim for the maintenance at our expense of the police force at Siassi, which he had established before American occupation. He was distinctly informed by General Bates that the claim could not be favorably considered, and he refused to accept the monthly compensation which we concluded to continue.

Protocols in force between the Spanish, English, and German Governments made free-trade ports of all Archipelago harbors. The bulk of trade with these ports was conducted from Singapore, partly by Europeans and in part by Chinese merchants, the Moros never engaging therein. As soon as we occupied the port of Jolo these traders, applying to enter their merchandise, were first informed that existing war emergencies would not permit it, and soon thereafter that, the protocol having lapsed on the ratification of the Paris treaty, the same customs regulations would apply in the Jolo Archipelago as in other Philippine islands; that the port of Jolo would soon be declared an open port and all others in that section would be confined to the coasting trade. This announcement created some feeling among the Singapore merchants and the seizure of one vessel engaged in unlawful traffic was followed by fine. Another vessel was compelled to discharge, upon arrival at Manila, all her goods manifested for that port and which she claimed to be desirous of taking back to Singapore, returning by way of the coasting ports of the southern islands. A brief correspondence of an international character was occasioned, but the affairs were soon happily adjusted. Further action taken in the matter of the Jolo Archipelago trade will be alluded to hereafter. It was closely watched by the vessels of the Navy, whose officers, from reports received and from various rumors circulated, thought that the Moros were purchasing and receiving firearms and ammunition through illicit dealings with merchants of the Asiatic and Borneo coasts. At the suggestion of Admiral Watson I telegraphed the president of the government commissioners of North Borneo, requesting that the authority of the commissioners be exercised to prevent the exportation of arms and ammunition to ports of the Archipelago, which request the commissioners graciously granted.

Nothing as yet had been attempted in the Island of Mindanao, although the navy kept a careful watch on the southern coast and especially in the vicinity of Zamboanga. Here, as was reported last year, the insurgents had seized in May, 1899, several Spanish gunboats and had taken from them considerable war material, among which was included several pieces of artillery, inclusive of 11 quick-firing guns, 375 rifles, and a large quantity of ammunition for all guns and pieces seized. They still retained this property, which, with the ordnance formerly held by them, placed them in rather fair military condition to defend a position made strong by nature, and the possession of those arms rendered it inexpedient to land troops at Zamboanga and attempt to control the place with any force which at that time could be spared from Luzon. Besides, we had heard that the Moros in the vicinity had assumed a hostile attitude toward the insurgents who had become separated into two unfriendly factions, and we received the impression that if the latter were not disturbed by us they would soon fight among themselves.

A communication was received on September 30 from General Garcia, commanding the insurgent forces at Surigao and vicinity in the extreme northern portion of Mindanao, expressing a desire to turn over that section of country to the United States authorities and surrender all insurgent arms. The only attention given to the application consisted in returning information that the United States would soon be ready to take possession, as it was not believed that Garcia, even if honest in his offer, could control much territory, and it was not thought

prudent to send to Surigao a force insufficient for defense should the inhabitants prove to be unfriendly.

General Bates was supervising affairs in the district, and by means of the assistance kindly furnished him by the navy, visited the principal points in the Jolo Archipelago, also Sandakan, where the official authorities of North Borneo extended every courtesy. On September 15 he sailed from Jolo for Masingloc, adjacent to Zamboanga, and fully ascertained the animus of the insurgents of that section. Concerning this trip he reported:

Don Jose Alvarez y Sebastian (former gobernadorcillo at Zamboanga) and Captain Tiano (head Chinaman at Jolo) were very sanguine on the subject of bringing the insurrectos at Zamboanga to terms if they could have a talk with Vicente Alvarez and explain to him the fatuity of resisting the United States, and both asked to go to Zamboanga or vicinity for this purpose.

I thought there was small prospect of success; explained to them that I would not have any official connection with the matter, but consented to take them to Zamboanga and to endeavor to have them returned to Jolo by the U. S. S. *Custine*, which was expected soon at Jolo.

I sailed from Jolo September 15, arrived at Masingloc anchorage that evening, and called upon Commander Very, U. S. N., on the U. S. S. *Custine*, who reported the situation unchanged, with exception of report from Dato Mandi that insurrectos at Balon (15 miles north of Masingloc anchorage) about September 2 had killed two of his men, wounded two others, and that two were missing. Commander Very spent some days investigating the matter; found that each party claimed the other used firearms and had made the attack, and he was unable to fix the responsibility definitely.

At 8 a. m. September 16, Captain Tiano went in one of the *Custine's* boats, under flag of truce, to wharf at Zamboanga, with two letters written by himself, one to Vicente Alvarez, asking him to come off to the *Custine* by 8 a. m. the following day to talk over matters of importance, or to send representatives if he could not come himself; the other letter was to Nestorio Arquisa, the insurrecto chief of the city of Zamboanga, asking him to forward promptly the letter to Vicente Alvarez.

The *Custine* then went to Landan, Sacol Island, the residence of Dato Mandi, who came on board with several followers and called upon Commander Very and myself.

On returning to Zamboanga on *Custine*, and sending in a boat under flag of truce for reply to Tiano's letter, Nestorio Arquisa (insurrecto chief in city of Zamboanga) and a young insurrecto officer named Calixto came aboard *Custine* with letter from Vicente Alvarez (appended, marked I), saying he could not come, but sent two of his representatives, with power to discuss any matters for him.

Being informed by Commander Very that these men wished to see me, I went into his cabin and was present at the greater part of the interview. I told them in substance that I had not sought an interview with them, but had brought Captain Tiano, who wished to see them; that I had been informed that they wished to see me, and had come in for that purpose alone; as they said nothing, and expected me to say something, I said that while the United States was prepared to treat them fairly and well, the sovereignty of the United States must first be acknowledged, and as they did not seem prepared to make that acknowledgment, I took no further part in the interview.

Nothing resulted from the talk except a reiteration of the statements previously made to Commander Very that the insurrectos considered their cause identical with that of Aguinaldo in Luzon, and that they awaited the result of events in Luzon, and wished to be let alone by the United States. Replying to questions of Commander Very whether they would oppose landing of United States troops, Nestorio Arquisa said that they would not oppose landing of United States troops in city of Zamboanga; Calixto said he could not say whether landing would be opposed at Masingloc anchorage or other place outside of city of Zamboanga.

The Zamboanga country was allowed to look after its own affairs; Captain Very, of the Navy, continuing to watch the contiguous waters. In the meantime the troops at Jolo, Siassi, and Bongao, which maintained the most friendly relations with the Moros of the archipelago, were made more comfortable condition of police and health. The coasting trade increased, but the

Moros complained of the additional cost of articles, such as farming utensils and articles of foreign manufacture (which was the result of extending the customs laws over their territory), asserting that failure of crops and the loss suffered from the prevalence of a cattle disease made them too poor to enable them to purchase. This appeared to be the only matter which disturbed a clearly manifested contentment.

War between the two factions of insurgents at Zamboanga commenced sooner than we anticipated, and no provisions had been made by us to garrison the place. The town was without material importance and the troops at hand were needed in Luzon and the Visayan islands. On November 20 a cablegram was received from Iloilo stating that one of the insurgent factions had secured the city and turned it over to Captain Very, of the Navy, who commanded the United States war vessel at Zamboanga Harbor; that the other factions had made demonstrations against the city and that Captain Very had called for troops upon the Jolo station, from which one company had been sent him. Instructions were given for two other companies to follow, and we then cast about to secure troops to reenforce both Jolo and Zamboanga. But on November 28 an officer of the Navy, well acquainted with the Zamboanga situation, gave as his opinion that no more troops were required there, at least for the present.

The insurgent faction which had surrendered the city passed over to the naval authorities a good deal of war material, and upon arrival of troops an additional 179 rifles, a Nordenfeldt, and 1 breech-loading cannon were turned over. Order was soon restored in the city, and the only hostile force in the vicinity consisted of a band of Tagalos, reported to number about eighty, which had taken refuge in the near mountains. The Moro Dato of that section, a man of superior natural ability and of considerable education acquired in Europe, had advocated United States rights and requested our military occupation ever since the evacuation of the territory by Spain. He had raised the United States flag and had asked the permission of our officers to attack and drive out the insurgents, positive of his ability to do so without our assistance. His attitude and the close blockade maintained by the Navy, which caused some suffering among the inhabitants for the desired articles of subsistence, was probably the chief cause of insurgent disaffection, the stronger and prevailing faction laboring for the relief which our occupation and the consequent opening of the port for the entrance of rice and other food products would bestow. The warring of the factions was conducted without regard to humanitarian sentiments or the laws of war. A number of lives paid the penalty of their disagreements, mostly taken through some form of assassination and very few in open combat.

The insurgent authorities along the southern coast of the island fared even worse. At Cottabato, an important trading town on the Rio Grande de Mindanao, lying within a section of country inhabited by Filipinos, Moros, and Chinese (the Moro element predominating), the people, tired of excessive taxation and the cruelties practiced by insurgent agents, seized and beheaded them. A new government was formed which communicated the first available opportunity, with great satisfaction, that they had cut off the heads of the late reigning officials and were ready and very desirous of receiving the flag and troops of the United States Government. This occurred during the latter part of September, but the information was not received in Manila until

November 20. Zamboanga, which had now a garrison of 350 men, continued to improve. Additional ordnance consisting of 4 field pieces, 17 rifles, and a quantity of ammunition was surrendered, and we had now recovered all the artillery and most of the rifles which had been captured from the Spanish gunboats the previous May. The natives from many adjoining towns visited the city and the native military bands experienced pleasure in serenading our troops. But conditions along the entire southern Mindanao coast, and in the small adjacent island of Basilan, where Spain had maintained a naval harbor, necessitated garrisons to establish some means of control and preserve, if possible, peace among the natives themselves.

The Thirty-first Volunteer Infantry (Colonel Pettit's) had arrived in Manila Harbor and was available. It sailed for Mindanao on December 1, and General Bates was instructed to post its various company organizations in consonance with military needs. He reported on December 8 from Zamboanga that he had garrisoned Basilan and was sending troops to Cottabato and Davao, and, further, that he considered the condition of affairs throughout the district very satisfactory. The organizations of the regiment were ultimately stationed along the southern coast of the island and in Basilan as follows: Headquarters and four companies at Zamboanga with detachment at Basilan, three companies at Cottabato, two at Parang Parang, one at Davao, one at Matti, and one at Baganga. Early in February a force of 125 marines took charge of the naval station of Isabela, Basilan Island, and the detachment which had been posted there was withdrawn. These troops have experienced very little difficulty with the natives, owing to the almost uniform judicious administration by officers in charge, although the fear of Moros expressed by Christians, and the frequent difficulties of Moro hands with each other, compel constant watchfulness and an occasional change or interchange of portions of garrisons. Upon the arrival of the Thirty-first Volunteers at Zamboanga, the three companies of the Twenty-third Infantry which were sent there to meet a temporary emergency were returned to Jolo, their permanent station.

Here at Jolo and in the entire group of islands of the Archipelago friendly relations between our troops and the natives had been maintained for eight months, strained somewhat on two occasions—once on account of the Sultan's interference with the inhabitants of Siassi against their claimed individual rights, when they called for our protection; and again when, on Jolo Island, the *datos* were instructed that they must cease from murdering the members of each other's clans or bands, a pastime in which it appears they occasionally indulged on slight provocation. But on January 27 a most unexpected act of treachery was perpetrated by the natives on one of the islands of the *Tau*i *Tau*i group, resulting in the murder of 2 and the severe wounding of 2 of our men. They belonged to the company stationed at Bongao and belonged to a party of 5 men absent from the station on a hunting pass. They had proceeded by boat some 30 miles to a small westward island where the natives professed the greatest friendship, and when unconscious of impending danger and unprepared were attacked. The commanding officer of Bongao (Captain Cloman), with the assistance of *datos*, quickly punished the cowardly and treacherous assault. The *datos* and principal men discovered the offenders (10 in number), who had committed the act for the purpose of obtaining

the arms carried by the soldiers. They turned them over to Captain Cloman's guard, and the criminals, while attempting to escape, were shot. The captain has reported very fully all the circumstances connected with the affair, and his report is now in the possession of the Adjutant-General of the Army. It is mentioned here as indicating a friendly instead of a hostile feeling on the part of the Moros, since without their assistance the guilty parties could never have been discovered.

General Bates, whom we have seen was temporarily relieved by General Schwan from the command of the first division of the corps after the successful occupancy of the Luzon provinces of Cavite, Batangas, Laguna, and Tayabas had been completed, for the purpose of personally supervising the operations of an expedition sent to take forcible possession of the Luzon, two Camarines provinces, and who thereafter was instructed to proceed to northern Mindanao with the Fortieth Volunteer Infantry and there station it at several of the most important points (see page 205, and Department Orders, page 206), proceeded on this mission the latter part of March. Collecting on transports all organizations of that regiment (which were temporarily serving in southeastern Luzon), and convoyed by two naval vessels and two small gunboats under the command of Captain Nazro, he sailed for Surigao, northeastern Mindanao, which, in accordance with his previous promises, the insurgent General Garcia surrendered, turning over to General Bates the ordnance in his possession. Leaving a company at Surigao, the expedition proceeded southward to Cagayan. Here it was believed that resistance would be offered, because it was known that an active and fairly well-equipped force of Tagalos and Visayans had been maintained in the town and vicinity, which had frequent communication, by way of the islands of Camaguin, Bohol, and Cebu, with the Panay and Luzon insurgents.

Upon the approach of the expedition, the enemy, to the number of several hundred, made hostile demonstrations, but the boats of the Navy passing up the river and the landing of part of the troops well up the stream threatened the line of retreat to the mountains of the insurgents, who hurriedly retired to the interior of the island. General Bates took possession of the town and stationed there the headquarters and four companies of the Fortieth Infantry. Thereafter he occupied the towns of Iligan, Misamis, and Dapitan without meeting opposition, and the inhabitants gladly welcomed the troops, especially the people of Dapitan, who had some time prior submitted an application for United States protection. At Iligan, contiguous to Cagayan, and a place of importance during the last years of Spanish control, a garrison consisting of a battalion of four companies was established. Here Spain had projected a railway (which was in part completed) to the lake of Lanao, on which gunboats had been placed, and from the southern shore of the lake a few miles of overland wagon road terminated on the south coast of the island. This railway, lake, and wagon-road route cut Mindanao and gave rapid communication between its north and south coasts. Spain maintained a good many troops on this line to look after the Moros, who had given trouble for several years, and by operating from it as a base could quickly strike any Moro concentration to the eastward or westward of the line. She had spent considerable money upon it and considered its completion of so much importance that a former governor-general of the islands

had made Iligan an important headquarters and his place of residence for several successive months. Upon the withdrawal of the Spanish troops the acting governor-general had sold the railway material to a citizen of Iloilo. The gunboats in the lake had been sunk in its waters or beached on its shore and their value practically destroyed. At Misamis two companies and at Dapitan a single company were designated for station.

Against none of these garrisons had any hostility been displayed except at Cagayan. The people had delivered to General Bates 241 rifles and 97 pieces of artillery of various patterns, mostly obsolete; and the entire northern coast of Mindanao had been occupied, as was also its southern coast and the islands of the Jolo Archipelago, without the firing of a single hostile shot. But the insurgent troops which had evacuated Cagayan and retreated into the hilly country soon reappeared and made a night attack upon our garrison placed there. The town is encircled by dense underbrush, which enabled the insurgents to stealthily approach the outpost in the darkness and disable it. They then hurriedly rushed into the town and commenced an attack upon the quarters of our soldiers. The battle which ensued was almost a hand-to-hand contest for a short time, but the enemy was badly worsted and retired in a demoralized state, leaving behind 53 of his number dead and 18 wounded, not counting the casualties he suffered from our pursuing troops. Our loss was 2 men killed and 11 wounded. The insurgents in this locality still continue to give annoyance, and doubtless will soon again come in contact with the men of the garrison. Their territory is very much circumscribed, as they are unable to penetrate far into the mountains because of the hostility of the Moros. When they cease to hope for assistance from the north, all but those who are inclined to live by robbing the inhabitants will depart for their homes or take up peaceful pursuits in that section. As soon as Major-General Bates had posted the Fortieth United States Volunteer Infantry on the north Mindanao coast, he proceeded to Zamboanga and Jolo to execute the special duties with which he had been charged, upon the completion of which he returned to the headquarters of his command at Manila, which city he reached on April 9. General Kobbé, having performed the duties assigned him in connection with the troops stationed in Samar and Leyte, sailed for Zamboanga and assumed command of the District of Mindanao and Jolo, as directed in department orders of March 20.

We have now reviewed all the important military events of northern Luzon comprised within the districts of General Young and Colonel Hood, or of all that portion of Luzon north of the San Fabian, Tayug, and San José line, to the month of April; also the military affairs of the districts of the Visayas, and of Mindanao and Jolo to the same time. In central and southern Luzon only those military operations of date prior to February 1 have as yet been reported, except those occurring within the district of southeastern Luzon, consisting of the provinces of Camarines, North and South, and of Albay, and Sorsogon.

On February 1 the troops of the Second Division of the corps, commanded by Major-General MacArthur and occupying central Luzon, "were widely scattered in detachment, company, and battalion organizations, guarding centers of population and points deemed important for strategic purposes and concentration." (See page 151.) They occupied 81 stations within the territory between Calocan, near Manila,

on the south, and San Fabian, on Lingayen Gulf, to the north, and between the east and west coasts of Luzon. They consisted at this time of six troops of the Fourth Cavalry, the Third, Ninth, Twelfth, Thirteenth, Seventeenth, and Twenty-second Regiments of Infantry, two battalions each of the Twenty-fourth and Twenty-fifth Infantry, two battalions of the Thirty-fourth U. S. Volunteer Infantry, the Thirty-fifth, Thirty-sixth, and Forty-first Regiments of Volunteer Infantry, several pieces of artillery, and a battalion of native Macabebe scouts. Three companies of the Thirty-fourth Infantry, under Major Shunk of that regiment, was about to march from San Isidro to Baler, on the eastern Luzon coast, by road through Cabanatuan and Pantabangan, thence by trail eastward across the mountains. The insurgents had formerly maintained quite a force at Baler. It was here that they had captured several months before a detachment from the U. S. S. *Yorktown*, consisting of an officer and several sailors, while in a small launch it was reconnoitering in that vicinity, and it was supposed that they retained there a few of their troops. They were still practicing guerrilla warfare west of the mountains along the Bongabong and Pantabangan road, and it was necessary to send out a proper number of men to successfully march to, capture, and place a permanent garrison at Baler, and have an organization of sufficient strength to protect itself in making the return journey to the place of departure. The three companies of the Thirty-fourth Infantry were deemed adequate for all purposes. General Funston was directed to take charge of and accompany the battalion, station two of the companies at Baler, and to return to his headquarters at San Isidro with the third. Supplies for the troops were to be sent in small coasting steamer from Manila by the water route through the Strait of San Bernardino, thence north to the Baler coast. The command left San Isidro on February 13 and Pantabangan on the 15th, expecting to reach the objective point on the 19th. The vessel was sent from Manila to arrive at Baler on the last-named date, and the troops were directed to communicate with it as soon as it should appear off the coast, since it was not considered safe for it to enter the harbor without assistance from the shore. The expedition as planned was successful throughout. The enemy had withdrawn from the town, and no very serious opposition was encountered on the march.

General MacArthur was now engaged in rearranging the stations of his troops throughout his division so as to furnish the best protection possible to the inhabitants, and at the same time reunite regimental organizations within the same sphere of action. Four temporary brigades were organized, to the commands of which Generals Bell, Grant, and Funston, and Colonel Liscum were assigned. The troops were kept actively employed, and we give below a few copies of the many telegrams received at corps headquarters showing the nature of their employment and the varied experience which resulted from their efforts. These telegrams are noted in order of date, and nearly all of them were submitted by the division commander from his headquarters at Bautista, contiguous to Bayambang, province of Pangasinan.

FEBRUARY 2, 1900.

A patrol of Forty-first Infantry, moving south from Mabalacat on railroad, about 1½ miles from the town, was fired on by small body of insurgents at 7.30 this morning. Private Augustus Costa, Company B, Forty-first Infantry, was shot in back and subsequently died. Patrol made vigorous response and drove insurgents into the mountains west of Mabalacat.



AGUINALDO'S HEADQUARTERS, TARLAC. FEBRUARY 8, 1900.



FEBRUARY 6, 1900.

Following just received from Colonel Craig, Thirty-second Infantry, through headquarters Second Brigade:

"BALANGA, February 6.

"Escort of 11 enlisted men under command of Sergeant Wallace, all of Company G, left Orani yesterday morning at 7 o'clock with three carts loaded with five days' rations for Company G at Dinalupihan. When about 2 miles from Dinalupihan, between that town and Llana Hermosa, the last of the carts went through the bridge. While grouped together lifting this cart out, the escort was fired upon by a party of about 50. Five of the escort were killed then, and a sixth was killed while trying to escape. Four men made their way back to Orani and reported the ambushade. Spence immediately sent Captain Brandt with his company at double time to the scene. When he arrived, enemy had disappeared, taking rifles and ammunition of the killed and wounded, and all rations they could carry away. The eleventh man joined Brandt near the bay and reported that party escaped by boats. Summary of casualties: Killed, Corporal Lee S. Murphy, Privates Leonard T. Braun, Bert Lane, Oliver H. Martin, Algernon S. Pressley, George H. Welch, all of Company G, Thirty-second Infantry. Two Macabebes were killed. One Macabebe is missing; also 5 ponies, 3 carabaos, 6 rifles, together with 6 belts and ammunition. All of the killed were shot several times after death. No one of them has less than five wounds. No house nearer place of ambushade than barrios of Dinalupihan and Llana Hermosa. Several small huts near the scene were burned yesterday."

MANILA, February 6, 1900.

General MACARTHUR, *Bautista*:

Have affair which occurred near Dinalupihan, and which you have just reported, thoroughly investigated. Escorts should not be sent out unless sufficiently strong to take care of themselves.

By command of Major-General Otis.

BARBER, *Adjutant-General*.

BALANGA, February 9, 1900.

ADJUTANT-GENERAL, *Manila*:

(Through Headquarters Second Division, *Bautista*.)

The investigation directed from department headquarters 6th instant, transmitted through division and brigade headquarters, concerning the ambushade near Llana Hermosa on the 5th instant, by which 6 men of Company G, Thirty-second Infantry, were killed, was made to-day by Major Spence, the senior field officer on duty with the regiment, who has been for some time on duty in that vicinity and in command. Major Spence reports by wire as follows:

"In reply to telegram of last night relative to investigation and report upon the ambush of the supply train of Company G, near Llana Hermosa, will say that the detail was sent from Dinalupihan by Capt. F. M. Rumbold, Thirty-second Infantry, to escort Dr. Cook to Orani and to report upon arrival at Orani to the commissary officer there for rations, which they were to escort back to Dinalupihan. It was while on their return trip that this party was ambushed. The detail consisted of 11 men, under the command of Sergt. Clarence D. Wallace, Company G, Thirty-second Infantry. As to the safety of sending such detail, will say that details of similar strength on similar duties had passed over this same road without molestation at least fifty times or more. I presume that Captain Rumbold and other officers at Dinalupihan and Orani considered the detail of this strength absolutely safe; furthermore, the garrisons of both Dinalupihan and Orani are too small to furnish details of much greater strength. In future will supply Dinalupihan for ten to twenty days at a time, and have the supply train escorted by 40 to 50 men. Details of this disaster have already been reported from this office.

"SPENCE."

Would report in this connection that I have been over road from Dinalupihan to Orani with small escort, and, in view of our experience heretofore, believed that 10 to 15 men, exercising proper vigilance, could take care of themselves. In my judgment, this detachment was ambushed by natives from Llana Hermosa, and the accident by which a cart went over the bridge north of that place caused Sergeant Wallace to momentarily relax his cautions. He is known to me personally as

a most excellent soldier. Forty-eight hours before this occurrence this peninsular was scouted by detachments of my regiment, covering the country south of Orani west to Bagac, north of Dinalupihan and west to Olongapo, without finding any trace of the enemy. Companies in this province have been directed to exercise extraordinary vigilance on escort and similar duty.

CRAIG, Colonel.

MANILA, February 9, 1900.

CAPTAIN WILLIAMS,
Malabon, Province of Manila:

Send in under guard the rebel general Pachecho with money in his possession, and deliver him to the provost-marshal-general with property.

SCHWAN, Chief of Staff.

FEBRUARY 12, 1900.

Captain Rice, Thirty-fourth Infantry, who went into the mountains east of Penaranda with his company on the 7th, returned to-day with 11 prisoners, 6 Remingtons, 1 Mauser rifle, 200 rounds of ammunition, and quantity of official records. No casualties.

FEBRUARY 14, 1900.

Lieutenant Morrow's company of Macabebes, at Barrio San Pablo yesterday, killed 1 insurgent, captured 12, with 6 Mausers, 4 Remingtons, and several hundred rounds of ammunition. Lieutenant O'Connor, of same organization, captured Julian Bitug, captain, reported insurrecto presidente of Lubao. Lieutenant Gillespie captured 3 guns.

FEBRUARY 15, 1900.

At 4.30 a. m. to-day, near Alcala, on the Rosales road, Colonel Smith, Seventeenth Infantry, with Lieut. T. L. Smith, acting adjutant, Lieutenant Bushfield, and 50 men of Company B, Seventeenth Infantry, surprised a band of 30 ladrones, killed 12, mortally wounded 2 (left on the field), took 2 prisoners (one of whom was wounded), 13 rifles, and a pony. No casualties on our side. The presidente of Alcala is reported by the prisoners to be the captain of the band. He is in confinement now, pending further investigation.

NORZAGARAY, February 16, 1900.

General SCHWAN, Manila:

Scouted Tumulita and San Jose to-day, and in San Jose found only sort of hospital, having 8 sick men in it—all insurgents. Captured 3 insurgents, 2 in uniform, and 1 rifle. One officer with rifle got away. One of those captured said to be a major of the battalion of Bulacan. No insurgent force in neighborhood, and only a little outpost intrenchment could be found. Did not disturb the sick.

SHORT, Major.

FEBRUARY 15, 1900.

General Bell telegraphs from Iba, with which we now have wire communication, that his campaign in Zambales is going to last considerably longer than he expected at first, and requests that 4,000 rations be sent to Subig, 4,000 to Iba, and 2,000 to Santa Cruz, for the use of his movable column; and, in addition to these rations for the regular garrison, also asks for a quantity of medicines, horseshoes, etc., to refit cavalry to be sent to Subig as soon as possible. I have given the list to the chief quartermaster of the division and instructed him to correspond with the chief quartermaster of the department. I mention it herewith in hope possibly of expediting action.

FEBRUARY 15, 1900

Lieutenant Gillespie, of the Macabebe scouts, captured yesterday, near Lubao, 15 rifles and 440 rounds of ammunition. Lieutenant O'Connell brought in to-day from barrio San Pedro 9 rifles.

MARCH 4, 1900.

Commanding officer at Tarlac reports as follows:

"Companies K and H of Ninth Infantry, under Captain Sigsworth, went to Tinuba yesterday afternoon and surrounded the place, holding every body. Lieutenant Koehler with mounted detachment, went early this morning to search for rifles. Lieutenants Koehler and Wallace were led into a trap by a native of Tinuba, who said he would take them to some guns. No soldiers accompanied them. When about a mile from Tinuba Lieutenant Koehler was mortally wounded; died in about an hour. Body brought in. He was shot about 8 a. m. to-day, bullet entering just below the heart. The native who led the officers got away. Barrio Tinuba burned by Captain Sigsworth. Several insurgents who tried to escape from Captain Sigsworth after the firing were killed."

MARCH 5, 1900.

A detachment of about 70 men from San Isidro, under Captain Gibson, Thirty-fourth Infantry, went to barrio of Sahan early this morning. Found a captain named Tinio, or Tino, concealed in a house with a companion. Both were pointed out to Gibson as insurgents on the way to a supposed place of concealment of arms. Both prisoners made a dash to escape, after being several times ordered to halt and after several warnings shots were fired. One of the men halted and lay down. Captain Tinio continued running and was killed. He was about 200 yards away when hit. Papers found on body establishes connection between him and Colonel Padilla. No arms were found, but people informed Gibson that a party of 5, with Mausers, had left the town early this morning in fear of troops. Tinio said to be cousin of Insurgent General Tinio.

MARCH 6, 1900.

While Maj. William B. Wheeler, Eighteenth Infantry, was returning from San Isidro to his post at Penaranda to-day, accompanied by A. A. Surg. W. C. Chidester and 1 man, the party was fired on by about 50 insurgents, at short range. Dr. Chidester was wounded severely in the muscles of the back. No other casualties. Wheeler has party out to beat up the country.

MARCH 7, 1900.

Colonel Burt reports from Iba as follows:

"Captain O'Neil just returned from trip in the mountains. In barrio of Masinloc he burned insurgent cuartel and destroyed 3 houses used by insurgent officers. Lieutenant Caldwell, on 4th instant, scouted northward and captured a lieutenant and 2 men."

MARCH 7, 1900.

General Bell reports from Alaminos that McGee's company of Macabebe scouts was attacked from concealment while marching along road south from Dasol yesterday morning by about 12 or 15 insurgents. Lieutenant Frank McNarney, Thirty-sixth Infantry, on duty with the company, was shot in left leg; surgeon does not think wound dangerous. Agaton Manansola, private, received flesh wound, slight; Pedro Paras, private, was killed. Wounded brought to Alaminos, and will be shipped by boat to Dagupan.

MARCH 10, 1900.

Colonel Wilder, with Macabebe scouts, captured 14 guns yesterday at Bongao, near Balanga. Lieutenant Leonard, Twenty-second Infantry, with detachment of 30 men from San Antonio, surprised camp of insurgents or ladrones 10 miles northwest San Antonio, at daybreak this morning, killed 1 man, captured 3 Remingtons and 50 cartridges. No casualties.

CAVITE, March 18, 1900.

MILITARY GOVERNOR, Malacanan:

Basco ordered here Tuesday morning. Will report Colonel Wilder as desired.

WATSON.

MARCH 19, 1900.

Lieutenant Harbeson, with 30 men of Company C, Twelfth Infantry, surprised a band of insurgents yesterday 7 miles southeast of Victoria. Killed 1 insurgent; captured 31 rifles and 400 rounds of ammunition; burned a barrack for 150 men and their abandoned clothing and equipments. No casualties.

MARCH 20, 1900.

General Funston organized an expedition against Garcia, which left San Isidro on 17th instant. Major Wheeler's column surprised Garcia's camp at 11 p. m., 18th instant, at point about 18 miles east of Penaranda. Killed 2, captured a number, of whom 1 captain, 1 lieutenant, and 2 privates held. Captured 6 rifles, 200 cartridges, 2 United States mules, 1 American horse, twenty ponies. Several hundred men in party and a few women and children. No casualties. The column General Funston accompanied struck small force insurgents yesterday; killed 1, wounded 1, captured 1, got 5 Remingtons, and 250 cartridges. No casualties.

MARCH 23, 1900.

Last night the commanding officer, Santa Maria, Bulacan, captured 7 ladrones, 1 rifle, and some ammunition. Lieutenant Hughes, Thirteenth Infantry, with 3 squads, near Pozorrubio, last night killed 2 ladrones, wounded 2, captured 3, captured 2 bolos, 6 ponies, saddles and bridles, and a revolver. Lieutenant Hunt, Twenty-fifth Infantry, captured to-day, near Botolan, Zambales, 2 insurgents, a number of rifles, and some ammunition.

MARCH 24, 1900.

General Funston, who has been out two days trying to locate Pilar's camp, had a severe fight at Vitoc this morning with a party of insurgents near the head waters of the Penaranda, or Chico, River. Lieut. O. R. Wolfe, Twenty-second Infantry, aid to General Funston, was severely wounded in the left lung, and Private James E. Murphy, Thirty-fourth Infantry, severely wounded in the left elbow. Enemy's loss 2 killed and others wounded who escaped. Captured 8 Mausers, 4 Remingtons, and 800 cartridges, and destroyed a quantity of rice. General Funston is still out with G Troop, Fourth Cavalry, and hopes to succeed in finding Pilar's camp.

MARCH 25, 1900.

General Bell reports 3 Mauser and 3 Remington rifles captured by Thirty-sixth at Mangatarem. General Grant reports that 13 rifles were to-day turned in to Captain Calders, Thirty-second Infantry, at Porac, by purchase.

MARCH 27, 1900.

General Funston reports to-day that he found on the 25th instant the ruins of Pio del Pilar's camp, which had been burned that day. It had consisted of good nipa buildings, with a capacity of 100 men, and was so situated that a surprise would have been impossible. Enemy was followed over rough mountains south for 15 miles. Here his force scattered in small bands and rendered further pursuit impossible. General Funston returned to his camp and scouted mountains further north, but all bands had left that part of the country. Horses being exhausted and many of them unshod, he returned to San Isidro to-day. General Bell reports purchase of 5 rifles at Iba by Twenty-fifth Infantry and 10 Remingtons and 18 rounds of ammunition secured by Thirteenth Infantry at Urdaneta.

APRIL 1, 1900.

Major Wheeler, Thirty-fourth Infantry, destroyed 5,000 pounds of rice in a storehouse in mountains near Penaranda. During past month 37 rifles have been surrendered at Tarlac.

APRIL 3, 1900.

Colonel Burt, Twenty-fifth Infantry, reports capture on the 1st instant of 2 old-style muzzle-loading cannon. Lieutenant Burr, Thirty-second Infantry, commanding Second Brigade scouts, captured yesterday, near Dinalupihan, an insurgent lieutenant and 3 rifles.

APRIL 5, 1900.

Lieutenant Burr, commanding Second Brigade scouts, killed 1 Tulisan and captured 1 gun near Florida Blanca on 2d instant. Colonel Freeman, Twenty-fourth Infantry, reports the murder of a native on 3d instant in a barrio of Tayug by band of ladrones, and the capture next day of the whole band of ladrones with 6 rifles and 550 rounds Mauser ammunition.

APRIL 7, 1900.

Colonel Smith is in the mountains west of Camiling with three full companies and parts of two other companies of his regiment and a platoon of cavalry. He located General Macabulus this morning. Attacked his position at 8.30, and at 9 a. m. position was in his hands. The only casualty on our side as far as known is Lieut. F. J. Morrow, Seventeenth Infantry, severely wounded in left leg. No other particulars are yet to hand. I expect something, however, within the next twenty-four hours. Hope for some substantial result, in the way of breaking up important rendezvous and destruction of supplies that can not be replaced.

APRIL 8, 1900.

The position attacked by Colonel Smith yesterday is about 14 miles southeast of Camiling. Place consists of quarters and barracks for about 200 men, and a deposit of rice of not less than 20 tons. It was heavily fortified, and defended by about 500 men. The insurgents scattered in the usual way without making sufficient resistance to admit of severe punishment. Only 5 dead were found. The place is now occupied by a detachment of the Seventeenth Infantry, and Major O'Brien, with 3 companies, is in pursuit over good mountain trail which is said to lead to a more important deposito than the one already captured. This second deposito is located on the west side of the main range near the head waters of the Cabaluen River. This trail, if continued, would reach the coast at or in the vicinity of Masinloc. The insurgent deposito, I should say, is 15 or 18 miles due east of Masinloc. O'Brien has a pack train with him and is prepared to stay out for a week if necessary. He has orders to take and destroy whatever he can find, and on his return will destroy barracks and deposito at first position.

APRIL 7, 1900.

Second Lieut. D. E. Bottom, Seventeenth Infantry, with two squads Companies L and M, scouting in the mountains west of Camiling on the 4th instant, struck a party of 40 insurgents belonging to Macabulus's command—killed 5, wounded 10, captured 4 Remingtons and a quantity of ammunition. No casualties. Lieut. F. W. Smith, Twelfth Infantry, had a skirmish with ladrones near barrio Ayson of Gerona yesterday, in which Private Schultz, Company A, Twelfth Infantry, was killed. No further particulars received.

APRIL 7, 1900.

Last night railroad track was tampered with between here and Moncada, but the break, which I understand consisted of the removal of only a few rails, was quickly repaired. About 8 p. m. yesterday commanding officer at Tarlac was informed of

in the mountains. He took 8 prisoners and Colonel Montenegro surrendered. It will take some time for them to concentrate again, and it is very improbable that they can ever get together as an organized force. The following articles were captured: Six Remington rifles, 2 Remington carbines, 6 bayonets, 2 bolos, 1 sword and scabbard, 206 rounds Remington, 13 rounds Krag-Jorgensen carbine, 65 rounds Mauser, and 20 rounds revolver ammunition.

• APRIL 12, 1900.

Asingan was attacked at 10 o'clock last night from all directions by force of insurgents, estimated at 300, under Oberto Graca and Calatonia Alnay. Enemy repulsed, losing several killed and wounded. No casualties on our side.

The foregoing reported minor operations were attended by many weary marches and constantly maintained vigilance on the part of our troops, but do not indicate the labors in various other directions which the troops were called upon to perform. They are strictly military in character, of kindred nature, and in pursuance of the main duty for the execution of which our soldiers were scattered over the territory. The other labors can be presented generally along with those of a similar kind which devolved upon organizations serving in other sections of the Philippines as soon as the specific duties performed by independent commands and which must be presented separately have received attention.

No mention has yet been made of the work accomplished by the troops stationed in the four provinces south of Manila subsequent to the early part of February, and it is desirable to bring this forward to April, and thus close the rehearsal of the strictly military operations of all troops of the department to a certain date. We propose, therefore, to present them here and, as in other instances, through telegraphic dispatches. These provinces, of which General Wheaton had been placed in command, were a portion of the territory under the supervision of the First Division of the corps. General Wheaton had removed his headquarters from Silang to Calamba on the south coast of the Laguna de Bay. His troops consisted of three, subsequently two, squadrons Eleventh Cavalry, the Fourth Regiment of Infantry, the Twenty-eighth, Thirtieth, Thirty-seventh, Thirty-eighth, Thirty-ninth, and Forty-sixth regiments of Volunteer Infantry, and a few detached pieces of artillery, and during the month of February of the Forty-fifth Infantry, which was withdrawn and sent during March to the Camarines provinces. These troops occupied 33 stations, of which 11 were maintained in the province of Cavite, 8 in Batangas, 9 in Laguna, and 5 in Tayabas province. The dispatches indicate a more pacific condition of affairs in the south than in central Luzon. The following are presented:

CALAMBA, *February 2, 1900.*

General OTIS:

Detachments from Binang, Silang, and Dasmarinas arrived in the vicinity of Carmona simultaneously. No insurgents discovered so far.

WHEATON.

MANILA, *February 13, 1900.*

Colonel GARDENER, *Tayabas:*

Reported from what was regarded as a creditable source that Aguinaldo is in hiding somewhere near town or mountains known as Macalelon, within your jurisdiction. I send you the information for what it may be worth and without vouching for its truth.

SCHWAN, *Chief of Staff.*

MANILA, February 17, 1900.

General WHEATON, Calamba:

Watch the town of Pila, south of Santa Cruz. Insurgents passing property through that point from the lake.

Arrest and send to Manila Florentino Manallo, prominent citizen of Siniloan, place north of Paete, on Laguna de Bay.

SCHWAN, Chief of Staff.

CALAMBA, February 19, 1900.

In compliance with instructions a detachment was sent to Siniloan to arrest Florentino Manallo. Detachment of 20 men was under command of Captain Lyle, Thirty-seventh Infantry. The inhabitants insisted that no man of that name had ever lived there. Five hours were spent in searching the town for Manallo. No trace of him could be obtained. Upon the detachment embarking in a banca for the purpose of reaching the gunboat *Laguna de Bay*, 50 men opened fire from a trench near the shore. The fire was returned and the attacking party driven off. Captain Lyle reports that this firing, in his opinion, was by the people of the town who had claimed to be friendly while he was in Siniloan. The detachment had no casualties.

WHEATON, Brigadier-General.

SANTA CRUZ, February 21, 1900.

Captain Van Leer, Thirty-seventh Infantry, while scouting encountered 6 rebels with rifles 3 miles northwest of Majayjay. He killed 1 and wounded another. The others eluded pursuit. No casualties.

BOYD, Major.

CALAMBA, February 21, 1900—9 a. m.

ADJUTANT-GENERAL FIRST DIVISION:

Following telegram just received:

"INDANG, VIA BINANG, February 21, 1900.

"ADJUTANT-GENERAL, Wheaton's Brigade.

"Company E returned this evening from three days' reconnoissance to Amadeo, Mendez Nunez, Bayuyungan, via Talisay and Alfonso. Went about 5 miles along lake shore south of Bayuyungan. No sign of armed men or arms. Company G returned from one day's search of country between Alfonso and Pataugin. Company F yesterday searched country north of Silang road. No news yet from company sent on 19th to Nasugbu. All natives here hard at work. I have visited all barrios, appointed Cabezos, and opened schools.

JOHNSON, Major."

TAYABAS, February 23, 1900.

Señor Sofio Alandi San Augustin, formerly secretary of provincial junta, later member of Filipino congress from Tayabas, came in two days ago and is giving me much valuable assistance. Also hear influential people are coming back, and it is becoming easier every day to locate insurgent bands. My troops are constantly on the go.

GARDENER, Colonel.

CALAMBA, February 23, 1900.

Insurgents are collecting taxes from merchants of Bay, who would not pay same if company were there. This port is doing immense business in copra and oil. Largest on lake at present. Much money going there for same. Merchants are helpless to resist impositions.

FRANKLIN, Commanding Laguna.

MANILA, February 23, 1900.

Colonel WAGNER, *Headquarters First Division*:

Please send following telegram to General Wheaton:

"Reported that insurgents are exacting contributions from merchants of Bay, where trade in copra and oil is said to be largest on lake. After investigating please consider expediency of detaching company from San Pablo and placing it at Bay."

SCHWAN, *Chief of Staff*.

SANTA CRUZ, February 24, 1900.

Major Cheatham reports at Majayjay last night about 7 p. m. the patrol was fired on by about 15 rebels. Private William T. Kinsell, Company D, Thirty-seventh Infantry, was wounded severely. The rebels were immediately scattered. Several shots were also fired into the town from a hill near by. Scouting parties are now out.

BOYD, *Major*.

CALAMBA, February 24, 1900—7.02 p. m.

ADJUTANT-GENERAL FIRST DIVISION:

Following dispatch just received:

"BATANGAS, February 24, 1900.

"ADJUTANT-GENERAL, WHEATON'S BRIGADE:

"Major Muir returned to-day. Killed 4, took 1 prisoner wounded and in uniform, and 13 others. Got 6 guns, 2 of them Mausers, and some ammunition.

ANDERSON."

CALAMBA, February 25, 1900—7.25 p. m.

ADJUTANT-GENERAL FIRST DIVISION:

Following dispatch just received:

"TAAL, VIA BATANGAS, February 24, 1900.

"ADJUTANT-GENERAL, WHEATON'S BRIGADE:

"From reliable information received attacked a force of about 200 insurgents between here and Calaca to-day with 70 men under Captain Vredenburg. Sent 20 mounted men on ponies to rear and scattered them. Know of several insurgents being wounded. Have 1 Remington rifle. One insurgent was killed. None of our men hurt. Took 5 prisoners. Will search the hills again to-morrow. The leader was recognized and is well known to me.

MORGAN, *Major*."

CALAMBA, February 25, 1900.

ADJUTANT-GENERAL FIRST DIVISION:

Following telegram received:

"INDANG, February 24, 1900.

"ADJUTANT-GENERAL, WHEATON'S BRIGADE:

"Company H returned from Nasugbu to-day, via Magallanes. No arms or armed men seen at Tioan or Nasugbu. Did not visit Looc. Were told a few insurgent officers now live in Balayan, but heard American troops are at Calaca; so did not go south of Tuy. Report by mail follows. Company F is at Palanqui for five days cooperating with Colonel Lockett in search of insurgents and repairing telegraph.

JOHNSTON, *Major, Forty-sixth Infantry*."

SANTA CRUZ, February 24, 1900.

ADJUTANT-GENERAL, WHEATON'S BRIGADE:

I have had a scouting party out every day running over the country seeking information regarding two Hospital Corps men now missing. One company just returned from scout up Santa Cruz River, through and beyond Pila at Magdalena. Whole country been scouted. Major Cheatham has parties out every day searching

for rebels. Major Orwig now beyond Lamabong. It is reported among the enlisted men that one of the Hospital Corps men was in the habit of passing beyond our lines without authority, he having said he had been as far as Magdalena at one time. This can not be verified. There are insurgent bands in this part of the province, but they are very hard to find and are amigos when Americans are seen. The people are rather unfriendly, either through hate or fear of rebels.

BOYD, Major.

CALAMBA, February 25, 1900.

ADJUTANT-GENERAL FIRST DIVISION:

Following telegram received:

"SANTA CRUZ, February 25, 1900.

"ADJUTANT-GENERAL, WHEATON'S BRIGADE:

"In skirmish yesterday, reported by Major Orwig, it seems that there were at least 120 rebels, divided into three detachments. They were pursued and scattered. One Spaniard having a silver-mounted dagger and muster rolls was captured. Will investigate the capture and send further information. The skirmish occurred near San Juan, short way south of Longas, in the hills.

"BOYD, Major."

MANILA, March 4, 1900.

Colonel GARDENER, Tayabas:

The Spanish and American prisoners removed from Tayabas, by way of Lucban, Mauban, and Antimonan, to Guanaca, were taken to Narcisa on Bay of Ragay, and were thence brought by steamer to Manila. They report that one Pedro Chaves, chief of police, killed at Tayabas one Henry Ashe, an American soldier, and also murdered 3 Spanish officers. Arrest Pedro Chaves if he can be found.

SCHWAN, Chief of Staff.

TAYABAS, March 5, 1900.

General SCHWAN, Manila:

Have known about Pedro Chaves and have been on his track for some time. Is at present said to be in the mountains of Camarines. His family live near this town. See my previous telegram about him.

GARDENER, Colonel.

SANTA CRUZ, February 26, 1900.

Second Lieutenant Domingo Ejea, a Spaniard in the rebel army, was captured by a scouting party under Major Orwig February 24, near San Juan. He hid in the woods and claims he did so to give himself up. On him were the muster rolls of his company. Sergt. Perry C. Bishop, Company I, Thirty-seventh Infantry, states he guarded Second Lieut. Domingo Ejea, then a captured insurgent, on February 4 or 5, 1899, at blockhouse No. 5, near Manila. Ejea is now here.

BOYD, Major.

MANILA, February 27, 1900.

COMMANDING OFFICER, Santa Cruz:

General Wheaton, who will soon visit Santa Cruz, may wish to interrogate the captured lieutenant, Ejea. The latter will then be sent under guard to Manila, where, on arrival, he will be turned over to the provost-marshal-general, the guard submitting to that officer this telegram as authority for Ejea's confinement.

SCHWAN, Chief of Staff.

SANTA CRUZ, *February 28, 1900.*

Captain Lyle, with two companies of the Twenty-seventh Infantry, scouted mountains east and northeast of Cavinti early this morning. He engaged 40 rebels 6 miles east of Cavinti and dispersed them. Then going north he saw another party of 30, half having rifles; but these took fright and got away. He found small bands on several hilltops, but they were careful to keep away. Private Andrew Hagland, Company M, Thirty-seventh Infantry, wounded forehead, slight.

BOYD, *Major.*

BACOR, *February 28, 1900.*

Lieut. Col. Thomas Aguinaldo, insurgent army, was also captured last night. I will send him in also, if not otherwise ordered.

BECK, *Colonel.*

SANTA CRUZ, *March 1, 1900.*

On February 28, Major Cheatham, with two companies Thirty-seventh Infantry, encountered 70 rebels in strong position 2 miles south of Nagcarlang. After sharp fight he dispersed them, killing 7, wounding 5, and capturing 3 Mauser rifles. No casualties.

BOYD, *Major.*

SANTA CRUZ, *March 1, 1900.*

On February 28, Capt. Sam Van Leer, Thirty-seventh Infantry, escorting wagon train with 26 men, was attacked 1 mile south of Magdalena by 75 rebels. He charged the rebels, killing 5 and wounding 1, and dispersed the rest. Capt. Sam Van Leer was wounded fleshy part of arm. No other casualties.

BOYD, *Major.*

SANTA CRUZ, *March 1, 1900.*

Captain Flaherty, Thirty-seventh Infantry, with 30 men, encountered 40 rebels 2 miles southwest of Magdalena this morning. He charged the enemy and killed 3 rebels, captured 1 gun and several bolos. No casualties.

BOYD, *Major.*

SILANG, *March 3, 1900.*

ADJUTANT-GENERAL, WHEATON'S BRIGADE:

Captain Comisky has just returned from reconnoissance to Talisay and vicinity. Reports that Malvar and his ladrones are said to be at San Pablo, or near there. Formed connections with company from Indang at head Peninsula Binarayan, 6 miles west of Talisay; also with another detachment at Talisay. Scouted country thoroughly in all directions. Everything quiet and no signs of ladrones or insurgents. Presidente at Talisay, named Mililion Salvador, appointed by Americans, is said to be one of the worst characters in the neighborhood.

BROOKE, *Major, Forty-sixth Infantry.*

INDANG, *March 4, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

Company G returned from three days' reconnoissance to Talisay this morning. Met company from Silang at Talisay. Searched all country between Amadeo and Lake Taal, but found no arms or ladrones. Brought from Amadeo General Alvarez's trunk, containing many uniforms and some papers. I shall forward all to-morrow. Have sent company to arrest persons and find arms. Released two officials on four days' parole to seek information of Trias or arms. Am holding presidente in confinement, as he refused to talk—may do so later.

JOHNSTON, *Major, Forty-sixth Infantry.*

GENERAL SCHWAN, *Manila:*

TAYABAS, *February 27, 1900.*

Made second attempt last night to capture headquarters and staff insurgent force in another barrio 9 miles from here, but failed. Captured 5 soldiers, a lot of rice, and a rifle. Will soon locate them again.

GARDENER, *Colonel.*

AYUNTAMIENTO, *March 6, 1900.*

COLONEL WAGNER, *Headquarters First Division, Manila:*

Wire General Wheaton extract from so much of General Hall's recent telegram as declares that marauding parties leave Calamba and Los Banos periodically for Tanay and Morong and return with the booty they have captured to the points of departure.

SCHWAN, *Brigadier-General.*

SANTA CRUZ, *March 7, 1900.*

This morning, while scouting, wagon train with 30 men, Lieutenant Miles, Thirty-seventh Infantry, encountered a body of 60 rebels in two detachments on either side of the road, 2 miles north of Maglalená. With 12 men he charged 30 of them in one trench. Killed 2, wounded 3, captured 1 gun. He then took the other in the flank and routed them. Private David P. Kennedy, Company L, Thirty-seventh Infantry, wounded over left hip, slight.

BOYD, *Major.*

TAYABAS, *March 6, 1900.*

Lieutenant McBride with 50 men are here from Antimonan. Report that garrison can hold out but a few days longer, as insurgents have driven away all cattle and carried away all rice in vicinity.

GARDENER, *Colonel.*

TAYABAS, *March 8, 1900.*

Lovering and three companies returned from three days' expedition in Mount Bauahoa. Captured leader of Finitacos and a lot of bolos. To-morrow I start a mountain gun and two companies toward Tiaon for a three days' scout. There are said to be some insurgents intrenched between Candelaria and Tiaon.

GARDENER, *Colonel.*

CALAMBA, *March 9, 1900.*

ADJUTANT-GENERAL FIRST DIVISION:

Following received:

"MOLINA, *March 9.*

"ADJUTANT-GENERAL WHEATON'S BRIGADE:

"Left Indang 5 a. m. Reached Molina 10 a. m., 12 miles north. Sent companies out to reconnoiter and search, and secret-service men into Santa Cruz. Found thus far 5 Mausers and 1 Remington rifle, 400 rounds ammunition, reloading implements, 20 uniform suits, 1 uniform hat, and a few swords and military bolos. Most of this was concealed in barracks and brush. Arrested 12 men in uniform. Shall release to-morrow.

"JOHNSTON, *Major.*"

TAYABAS, *March 10, 1900.*

Captain Newberry, with 18 men, went into Paliloc and released 6 Spanish prisoners and captured 2 rifles.

GARDENER, *Colonel.*

MANILA, *March 11, 1900.*

Major JOHNSTON, *Indang:*

Reported that by order of General Alvarez in Trias large amount of arms and military stores were cached by General Alvarez in towns of Amadeo, Mendez Nunez, and Maragondon, and that owing to imprisonment of Alvarez here present time is opportune for capture of these arms and this material.

SCHWAN, *Chief of Staff.*

INDANG, *March 12, 1900.*

General SCHWAN, *Manila:*

Your instructions received. Shall station a company temporarily at Amadeo and another at Mendez Nunez to continue searches made before. Trias with 300 armed men left San Palauan, 3 miles east of Molinon, on the night of the 8th, going south as far as Buena Vista, where I lost his trail. I picked up 6 guns, 4,000 cartridges, and destroyed 100 uniforms, new, which he dropped at Molinon.

JOHNSTON, *Major, Forty-sixth Infantry.*

TAYABAS, *March 11, 1900.*

SCHWAN, *Chief of Staff, Manila:*

Three battalions of troops for two days, and two companies of my regiment for over a month, lived on rice which they took from natives at Antimonan, when they had no Government rations. These natives now ask for pay. Shall I use subsistence funds to pay for this rice, and for cattle and carabao killed and eaten?

GARDENER, *Colonel Thirtieth Infantry.*

TAYABAS, *March 12, 1900.*

SCHWAN, *Chief of Staff, The Palace, Manila:*

Within the last week Captain Newberry, my regiment, has made three trips and released Spanish prisoners in the country southeast of Pagbilio, as follows: With 20 men, released 4; on another trip, with 20 men, released 5; and to-day, with 7, released 2—all at a distance of over 15 miles from here and in the mountains. Also brought back to-day 2 rifles and an insurgent lieutenant. This officer is fearless and indefatigable.

GARDENER, *Cplonel Thirtieth Infantry.*

TAYABAS, *March 13, 1900.*

SCHWAN, *Chief of Staff, Manila:*

Within the last few days, and unless something unexpected happens, I have come to the conclusion that my regiment will be sufficient for the pacification of this province and the disposition of any remaining insurgents. Have you telegraphic communication with any parts of the Camarines?

GARDENER, *Colonel Thirtieth Infantry.*

MANILA, *March 13, 1900.*

Colonel GARDENER, *Tayabas:*

Either subsistence or public civil funds may be used in paying for the provisions and cattle purchased or taken for use of troops, and under the conditions mentioned in your telegram March 13.

SCHWAN, *Chief of Staff.*

TAYABAS, *March 13 (via Santa Cruz, 16), 1900.*

SCHWAN, *Chief of Staff, The Palace, Manila:*

Captain Kerrick, with Companies C and F, started three days ago in direction of Tiaon, Dolores, and road leading there; reports no insurgents in these parts. People returning fast to Sariaya and Candelaria, but not yet to Tiaon. Priests back now and holding service in Tayabas, Lucena, Lucban, Sariaya, and Candelaria.

GARDENER, *Colonel Thirtieth Infantry.*

TAYABAS, *March 15, 1900.*

SCHWAN, *Chief of Staff, The Palace:*

Antimonan all right on March 11. Lieutenant McBride had skirmish on 12th; killed 2. Rations and ammunition landed. About 355 armed insurgents around there. As soon as Hartigan returns will send him there for a while with four companies.

GARDENER, *Colonel Thirtieth Infantry.*

INDANG, *March 18, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

Lieutenant Ely, commanding G, Amadeo, reports that at 1 o'clock this morning volleys were heard south of Amadeo. At 5 o'clock man from Soledad, a barrio 3 miles south of Amadeo, reported that a band of ladrones, only 30 of whom had rifles, demanded money of the place, and being refused carried off all the men and women in the place. He reports that the people of Amadeo now admit that General Trias was east of Amadeo, near Minontoc, ten days ago, and that he is thought to have carried off rifles which had been hidden between Amadeo and Silang, and that he went to mountains east of Santo Tomas, where a force is gathering. I am sending a company at once to Mendez Nunez and more men to Lieutenant Ely at Amadeo, to chase the band seen early this morning near Soledad. The detachment yesterday, to cooperate with Colonel Schuyler, reached Buena Vista last night. Will move toward Silang and return to-morrow.

JOHNSTON, *Major.*SILANG, *March 19, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

Lieutenant Lukens, with scouting detachments of 30 men, Company M, slipped out of town in the night, and at 6 miles south of here surprised a company of insurgents at supper. Captured 45; 20 escaped. The prisoners were brought here at once and incarcerated; at least 2 officers. I have now sent a company to find the rifles which are evidently hidden near by and I shall get them sooner or later.

SCHUYLER, *Colonel Forty-sixth Infantry.*SANTA CRUZ, *March 19, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

At 3 a. m. to-day I left here with 50 men on a reconnoissance to the barrio of Palasan, about 4 miles south of Santa Cruz, and with the aid of Salvador de las Reyes, as guide, succeeded in capturing First Lieut. Juanario Francisco, jefe militar de columna volante; also Antonio Malaba, a tough character. Letters of importance were found on the person of Lieut. Juanario Francisco, one from General Cailles, dated March 16, giving instructions to have him capture and execute certain Filipinos whose names are mentioned in the letter and who are friendly to and now working for the Americans. Returned to Santa Cruz at 6 a. m. Letters forwarded by mail.

HUTCHINGS, *Captain.*SANTA CRUZ, *March 18, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

Company H moved from Pagsanjan this morning; encountered small party of ladrones about 11 a. m. about 1 mile southeast of Magdalena, on bank of river Balanag. Killed 1 ladrone and captured 1 rifle. No casualties on our side.

HUTCHINGS, *Captain.*SILANG, *March 20, 1900.*

ADJUTANT-GENERAL WHEATON'S BRIGADE:

What we arrested as a congregation of insurrectos may prove to have been a gambling party. Not a sign of a rifle has yet been found, although the country is still being diligently searched. I shall hold most of the prisoners until I can get them positively identified. There are among them one officer and some old insurrecto soldiers and one or two known ladrones. The presidente of Talisay has given me the names of the 4 men who killed Lieutenant Stockley. He says they are ladrones and are now wandering in the mountains. They are Santiago de Luna, Cipriano Ramilo, Pedro Capus, Rafael Para. There is no knowing the worth of the information, as the presidente does not bear a good reputation.

SCHUYLER, *Colonel Forty-sixth Infantry.*

BINANG, March 29, 1900.

ADJUTANT-GENERAL SECOND BRIGADE:

Detachment of Company C, this battalion, under command of Lieutenant Hopson, captured last night at Barrio Santa Cruz 5 insurrectos, 1 carabao and cart, 10 rifles, 1 carbine, 1 revolver, and over 600 rounds of ammunition.

MILLER, Major, Forty-sixth.

TAYABAS, March 28, 1900.

Major Hartigan, of my regiment, reports that he attacked insurgents under Colonel Malolos, southwest Antimonan, killed and wounded 20 and captured 20 privates, 5 officers, and 30 rifles; also reported that Colonel Malolos was wounded. Private Begnan, of Company K, wounded. Troops will continue to follow and operate.

GARDENER.

TAYABAS, April 5, 1900.

ADJUTANT-GENERAL WHEATON'S BRIGADE, Calamba:

Captain Scranton, whom I sent after Capt. Bodoli Motosos, paymaster, sent word from Mauban, April 4, that he had released a lot of Spanish prisoners. Gunboat *Marietta* in port there. *Bolinao* also arrived with supplies. No insurgents in these parts. Bodoli escaped, but Scranton captured Major Permandes, of Alosis regiment. Went over Alobal Island and released 3 Spanish prisoners, who report that two days ago 200 armed insurgents came to island, under 2 majors and 1 captain, and went north to Lumbong, on coast. They had 6 chests, containing 3,000 pesos, one box, containing 4,000 pesos in paper and gold. Insurgents said they were going to join Aguinaldo at Lumbong, and one Spaniard, who knows Aguinaldo, says he was one of the party. Perhaps this is only a Spanish prisoner's story. Gunboat has gone to Lumbong to reconnoiter Balinas. Have ordered Scranton to get on *Marietta*, if she will take him, and land at Lumbong with detachment of Forty-second, if it arrives in time.

GARDENER.

SANTA CRUZ, April 9, 1900.

On the night of April 7, while in Pangal, with detachments Forty-second, Thirty-seventh, and Twenty-ninth Infantry, 2 Spanish prisoners, a sergeant and a private, escaped from the guards within the town and came in our lines. On the 8th instant the country between Pangal and Santa Maria was thoroughly covered. I rode rapidly to Santa Maria with Captain Scott's troop, surrounded and inspected the town, hoping to capture Vance, the supposed deserter from the Thirty-seventh Infantry. He was not there, but he was captured about the same time by troops under Major Brown, Forty-second Infantry, in the mountains northeast of Pangal. I have turned him over to the commanding officer at Santa Cruz as a prisoner. The Spanish prisoners will be sent to Manila at the first opportunity. The country from Majayjay to Santa Maria has been thoroughly scouted, and I believe the battalion of the Twenty-ninth is no longer required.

BEACON,

Lieutenant-Colonel Forty-second Infantry.

MAUBAN, April 7, 1900.

I left Majayjay at 6 a. m. April 6 with 2 officers and 56 men of Company C and 2 officers and 54 men of Company D. Arrived here at 10 a. m. to-day, and relieved Captain Scranton, of the Thirtieth Infantry. About three months' supply of rations stored here. The people returning to town, and propose to be friendly. A large quantity of hemp is stored here, and the people are anxious to have port opened. A ship is here to-day, but in absence of instructions I have refused to allow them to take on cargo. Please give necessary instructions, and inform me if it is desired that I should report direct to brigade headquarters. Messages sent to Lucban will be forwarded by Major Steele by native messengers. Do not believe there are many armed insurgents in this vicinity, but will thoroughly scout the country, and hope to rescue the other Spanish prisoners. Captain Scranton has already released 46.

Major Thirty-seventh Infantry.

CHEATMAN

The character of warfare which prevailed in these four large Luzon provinces during the months of February, March, and part of April, the weakness of the enemy, the activity of our troops, the apparent rapid change in sentiment on the part of the inhabitants as manifested by their return to their homes (which they abandoned upon our advance) so soon as we occupied the country and could give them protection, and the assistance they furnished us to find, arrest, or scatter ladrones, or the small remaining insurgent bands, are shown in the foregoing copies of telegrams. The telegrams also show the severe punishments those inhabitants invited from insurgents or ladrones if discovered to have given information concerning them, a fact which the inhabitants fully realized. A few of them who gave information were assassinated, but with the establishment of town government and the appointment of native police under military supervision the confidence of the people in their personal security was strengthened and the aid they rendered the troops in their efforts to discover the places in which arms and other war material were hidden was valuable. The captures made in both central and southern Luzon during the latter part of April of rifles, ammunition, and subsistence stores, concealed in almost inaccessible localities of the mountains, were much larger than during any previous period, and many of the captures were effected through information which the native police or former insurgents conveyed.

On April 7, under War Department instructions, orders were issued abolishing the Department of the Pacific, and creating in its stead the Military Division of the Philippines, with four territorial departments, which were in part as follows:

GENERAL ORDERS, }
No. 1. }

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., April 7, 1900.

I. Orders of March 29, 1900, issued from the War Department, create the Military Division of the Philippines, consisting of all territory within the geographical limits of the Philippine group of islands, and divide it into four military departments, as follows:

First. A department to be known and designated as the Department of Northern Luzon, to embrace that portion of Luzon to the northward of the northern boundaries of its provinces of Infanta, Morong, and Manila, and the Bay of Manila and its entrance waters, together with all Philippine islands lying northward of those provinces and waters.

Second. A department to be known as the Department of Southern Luzon, to consist of that portion of Luzon lying southward of the northern lines of Manila Bay and entrance waters and its provinces of Manila, Morong, and Infanta, and all Philippine islands situated to the south of those lines and north of a line passing southeasterly through the center of the west pass of Apo to the twelfth parallel of latitude; thence east on said parallel to meridian $124^{\circ} 10'$ east of Greenwich; thence in a northerly direction through the Strait of San Bernardino along the southern line of the channel of those straits. This department will include, however, all of the island of Masbate.

Third. A department to be designated as the Department of the Visayas, bounded on the north by the southern limits of the Department of Southern Luzon, on the west by longitude $121^{\circ} 45'$ east of Greenwich, on the south by the ninth parallel of latitude and extending east to include those islands in the Philippine group lying between the north and south lines herein described, but excluding from the limits of this department all of the island of Mindanao and all islands eastward of the Straits of Surigao.

Fourth. A department to be known as the Department of Mindanao and Jolo, which embraces all islands of the Philippine group of islands not included in the territorial boundaries of the departments above designated and described.

These War Department orders assign officers to the command of the Military Division of the Philippines and its four territorial departments as follows:

To the command of the division, Maj. Gen. E. S. Otis, U. S. Volunteers.

To the command of the Department of Northern Luzon, Maj. Gen. Arthur MacArthur, U. S. Volunteers.

To the command of the Department of Southern Luzon, Maj. Gen. J. C. Bates, U. S. Volunteers.

To the command of the Department of the Visayas, Brig. Gen. R. P. Hughes, U. S. Volunteers.

To the command of the Department of Mindanao and Jolo, Brig. Gen. W. A. Kobbé, U. S. Volunteers.

II. The undersigned hereby assumes command of the Division of the Philippines, with headquarters in the city of Manila, Luzon, and under the directions of the War Department of the 29th ultimo, that the newly created and designated commands of division and departments be organized by the assignment of officers of the staff departments and of troops to meet necessities, the following instructions are issued:

The headquarters of the Department of Northern Luzon will be established at Dagupan or some near central point of the department convenient for administration and the distribution of supplies, to be received direct, as far as practicable, from point of original shipment, through the waters of Lingayen Gulf and its most important seacoast ports. It is divided into five military districts, which will have numerical designation with territorial limits as follows:

First district of the Department of Northern Luzon will embrace the territory assigned to the district of northwestern Luzon in General Orders, No. 70, from the office of the military governor, dated December 22, 1899, to wit: The provinces of Abra, Bontoc, Benguet, Lepanto, Ilocos (North and South), and Union.

Second district of the department will consist of the territory assigned to the district of northeastern Luzon in military governor's General Orders, No. 69, of December 21, 1899, namely, the provinces of Cagayan, Isabela, and Nueva Vizcaya.

Third district of the department will cover territory lying within the provinces of Zambales, Pangasinan, and Tarlac.

Fourth district of the department, of the provinces of Nueva Ecija and Principe.

Fifth district of the department, of the provinces of Bataan, Pampanga, and Bulacan.

The Department of Southern Luzon, with headquarters at Manila, will be subdivided into four districts, to be known as—

First district of the Department of Southern Luzon, which will embrace in extent the provinces of Infanta, Manila, Morong, and Cavite, the city of Manila excepted.

Second district of the department will embrace the provinces of Batangas, Tayabas, and Laguna, and the island of Polillo.

Third district, the provinces of the Camarines, Albay, and Sorsogon, and the island of Catanduanes.

Fourth district, the islands of Mindoro, Tablas, Marinduque, Masbate, and all islands west and north of the same to the west pass of Apo and the southern limit of Luzon.

The Department of the Visayas, having headquarters at Iloilo, will contain four districts:

First district, embracing the islands of Samar and Leyte.

Second district, the islands of Bohol and Cebu.

Third district, the island of Negros.

Fourth district, the island of Panay.

The Department of Mindanao and Jolo, with headquarters at Zamboanga, is divided into three districts:

First district of the department, the islands of Mindanao and Basilan.

Second district, the Jolo Archipelago.

Third district, the islands of Balbac, Paragua, and Calamianes.

Department commanders will assign to the command of military districts (designating locations of headquarters for the same) officers serving in their departments, whom they will direct to exercise such supervisory charge of the smaller inhabited islands lying near the foregoing designated limits of their districts as they may deem necessary.

Until a cessation of hostilities is duly declared, department and district commanders, in addition to the duties ordinarily devolving upon them, will exercise the administrative functions of division and brigade commanders of an army in the field, and district commanders will also superintend, under the instructions of commanding generals of departments, such matters connected with the administration of affairs of a civil character as may be imposed through the office of the military governor of the islands.

III. The assignment of troops for service in departments is made as follows:

TO THE DEPARTMENT OF NORTHERN LUZON.

Company A, battalion of United States Engineers; headquarters and the two squadrons of the Third Cavalry on duty in the Philippines; Troops F, G, H, K, L, and M, Fourth Cavalry; Light Battery E, First Artillery; the Third, Ninth, Twelfth, Thirteenth, Sixteenth, Seventeenth, Twenty-second, Twenty-fourth, and Twenty-fifth regiments of infantry; the Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Forty-first, Forty-eighth, and Forty-ninth regiments of volunteer infantry, and Batson's and Castner's organization of native scouts.

TO THE DEPARTMENT OF SOUTHERN LUZON.

Company B, battalion United States Engineers; headquarters and six troops of the Fourth Cavalry; Eleventh United States Volunteer Cavalry; light batteries E, F, and D of the Fourth, Fifth, and Sixth regiments of artillery, and Randolph's Battery, Third Artillery, now serving as a light battery; Fourth and Twenty-first regiments of infantry; the Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Forty-second, Forty-fifth, Forty-sixth, and Forty-seventh regiments of volunteer infantry.

TO THE DEPARTMENT OF THE VIRAYAS.

Light Battery G, Sixth Artillery; the Sixth, headquarters and two battalions of the Eighteenth, and the Nineteenth regiments of infantry; the Twenty-sixth, Forty-third, and Forty-fourth regiments of volunteer infantry, and the Negros organization of native scouts.

TO THE DEPARTMENT OF MINDANAO AND JOLO.

Headquarters and two battalions of the Twenty-third Regiment of Infantry; the Thirty-first and Fortieth regiments of volunteer infantry.

The provost guard of Manila, commanded by its present commander, the provost-marshal-general of the city, and constituting a separate brigade under the Seventy-third Article of War, shall be directly subject to the instructions of the division commander and will be held responsible for the peace and quiet of the city. The troops comprising it will consist of three batteries of the Third Artillery, the foot batteries of the Sixth Artillery, headquarters and two battalions of the Fourteenth, and the Twentieth regiments of infantry.

Department commanders will station these troops within and throughout their various military districts as conditions may require, and will move or concentrate the same to meet any emergencies which may arise. Troop organizations which are not at present serving within territorial departments to which assigned will be directed to proceed as soon as practicable to such points therein as department commanders may recommend.

In the unsettled condition of affairs in the islands withdrawals or accessions of troops from or to department commands, under the direction of the division commander, may become necessary from time to time, and all troops will be held in readiness to respond promptly.

* * * * *

E. S. OTIS,

Major-General U. S. Volunteers, Commanding.

The omitted portions of these orders assign certain named officers to specific duties in the various staff positions connected with division and department organizations, and direct the general officers designated to command territorial departments to perfect them as rapidly as possible, in accordance with the instructions therein given. The issuance of the orders had been in contemplation for several months for the purpose of securing more approved methods of military administration, but conditions had not warranted speedier action, as it was not until the army had gotten actual possession of the territory embraced within the designated departments that the results desired could be attained.

Now this occupation extended practically throughout Luzon and over a number of islands embraced within the two southern departments, and it was important that a circumscribed discretionary military supervision should be exercised by superior officers selected to control affairs within abridged territorial limits for the dispatch of both military and civil business, and to promptly meet any emergencies which might arise.

The establishment of numerous small garrisons, consisting of detachments and companies in most instances, but occasionally of an entire battalion, in all the important islands of the Philippines necessitated the distribution of military stores over an extensive country and the forwarding of supplies to many points difficult to reach even during the most favorable season of the year. The few highways which had been projected in the past had been neglected, were washed out in the lowlands and along the sharp ascents of the undulating country, were more or less overgrown with dense tropical vegetation, and all the important bridges had been destroyed by the enemy. In the long January march of General Schwan's column, which covered in a very brief period some six hundred miles of road (a feat which has never been equaled in a tropical climate), advantage was taken as much as possible of the old established highways, such as the Silang, Indang, and Naic route, the one from Calamba, by Santo Tomas and Lipa, to Batangas, also those to the eastward which were the principal routes of communication between the most important towns of that section, and all of them were found to be well-nigh impracticable for any character of wagon transportation. The engineer companies were obliged to expend a great amount of labor on some of them before wheeled transportation could be passed.

In some cases small garrisons were placed far inland or at points near the coast, which could be reached only over primitive trails difficult for pack animals to traverse. The rainy season was approaching and all of these garrisons must receive several months' supplies before it commenced. This not only would keep busy all of our transportation, but the roads and trails must be repaired before the transportation could be advantageously employed. Work on the dangerous mountain trail by which the Bayombong garrison of northern Luzon must be reached was begun as soon as practicable after the insurgents of that section had been quieted. It was performed by natives under the supervision of officers of the Army detailed for that purpose; and quite extended repairs on the main public thoroughfares were projected, after careful examinations were made and estimates submitted by officers of the Engineer Department. The expenditure of \$145,000, Mexican, was authorized for the repair of the roads of central Luzon, and a considerable sum was allowed to place the roads south of Manila in condition for travel. Commanding generals were informed that their requests for public funds for highway improvements would be favorably acted upon, if demonstrated that the expenditures recommended were necessary for the movement of military supplies or the transaction of the business of the country.

It was desired to attain by such money outlays not only practical routes of communication between bases of military supply and established garrisons, but also to give the people the means of transporting the products of the soil which they wished to dispose of to the coast harbors or available interior markets, and at the same time to furnish

the natives with remunerative employment in the work of road construction. Laborers in sufficient numbers, at low rates of compensation, were easily obtained, and the people expressed much satisfaction in the improvements. No former public proceeding so favorably impressed the inhabitants of the provinces in which the work was being carried on of the kindly intentions of the United States as these highway repairs at the public expense, and they gave all the assistance they could to expedite the work. The turning over to the corporation during the last days of March for future management of the Manila and Dagupan Railway, which had been sufficiently reconstructed by December 21 for through service and thereafter had been operated by the military authorities, had also a beneficial effect, as a large number of natives immediately received railway employment and improved accommodations and facilities were furnished the traveling public and the business interests along that line of communication.

On April 20 General Bates, commanding the department of southern Luzon, sent a battalion of the Twenty-ninth U. S. Volunteer Infantry, under the command of its colonel (Colonel Hardin), to occupy certain principal points of the islands of Marinduque and Masbate. The troops were convoyed by the Navy, and effected the directed landings without encountering serious opposition. These islands, which are a short distance south of Luzon, are sparsely settled, but were important, as they sheltered insurgent forces and furnished excellent localities for concealments. They were also important on account of the cattle industry and timber interests maintained and held by Luzon residents, and they were especially important at the time military occupation was ordered because of the scarcity of beef cattle in Manila and contiguous towns, which carried the prices of meats beyond the means of the poorer classes of inhabitants to enable them to obtain this necessary article of subsistence in sufficient quantity. No further immediate distribution of troops was then in contemplation except to relieve the Romblon garrison, which belonged to the Visayan territorial department, by an organization from the southern Luzon department in which the island of Romblon had been placed, and to increase the force in Samar and Leyte. Some attention had been given to the island of Paragua with a view to occupancy.

Under Spain's authority its navy had exercised supervision over it, and the United States Navy had already placed a small detachment on the neighboring island of Balabac, where it maintained in use the important light-house there located. Its vessels also patrolled the eastern coast of Paragua, and it had expressed a willingness and intention to establish a garrison near the central point of the coast where Spain had formerly maintained one, which it had deferred for future action on account of present temporary employment. The southern half of the island, as well as Balabac and the small adjacent ones, are inhabited by Moros who have thus far been friendly to United States interests. The benefits to be derived from garrisons of permanency are the protection they will furnish to parties desiring to develop industries, especially the timber interest, which is of importance, and to the few Filipino inhabitants from other islands against Moro raids and faction difficulties. One of the four Spanish penal colonies was established here, and families from northern Luzon

were induced to migrate and settle near it for the purpose of developing the natural resources of the island, but little was accomplished.

In the dispersion of our army of 60,000 men throughout the Philippines, the labor attending dispersion and supply became very great. Independent of land transportation, which it has been necessary to employ, a number of coasting vessels have been kept actively engaged. Notwithstanding the multitude of demands presented there are no instances in which troops, however circumstanced, have not received abundant food supplies except when, in rapid pursuit of a fleeing enemy, the wheeled transportation furnished them was temporarily abandoned. Nor has there been a scarcity of ordnance or any material shortage of clothing during the year's activity. This fact in itself shows the competency of officers connected with the departments of supply, and no further proof is required to establish their efficiency and unremitting attention to duty. The ability, marked efficiency, and zeal of officers of this army may be judged by the vast results accomplished. The sterling qualities of the enlisted force is indicated in their prompt response to every demand made upon them, however exacting the attending fatigue, however trying the conditions; and their exhibitions of courage and physical endurance have never been excelled and they never suffered a defeat. To the officers and men of the Engineer Corps and Signal Department great credit is due. They were present always with the advancing troops rendering the most efficient service. Only in a few instances, and then for a brief space of time, were army headquarters at Manila out of quick telegraph touch with all general officers operating in Luzon and the most important of the Visayan Islands, so that any arising emergencies could be promptly met, whatever their character and wherever occurring. The unremitting labors of the officers of the Medical Department, which was most bountifully supplied, in the equipment and maintenance of hospitals in which trained and competent female nurses rendered valuable assistance, in the care and treatment of the sick and wounded, in the zeal and efficiency displayed by them on the field of battle in caring for and removing the wounded, also in administering to the wounded of the enemy and attending native citizens requiring medical treatment, can not be too highly commended.

The extent and character of the work of officers connected with the departments of the Adjutant-General, Inspector-General, and Judge-Advocate-General of the United States Army, and that of officers of its Pay Department, may be measurably appreciated when the task of administering the affairs of a military organization consisting of 60,000 men is carefully considered. In times of profound peace it would be somewhat exacting, but in a season of active war, when that organization is scattered over an extended territory, and when the laws, regulations, and orders prescribed during, and to a great extent for, peace conditions must be complied with in so far as circumstances permit, the task assumes proportions of very decided magnitude. These officers have met all the demands made upon them in their several departments with commensurate ability.

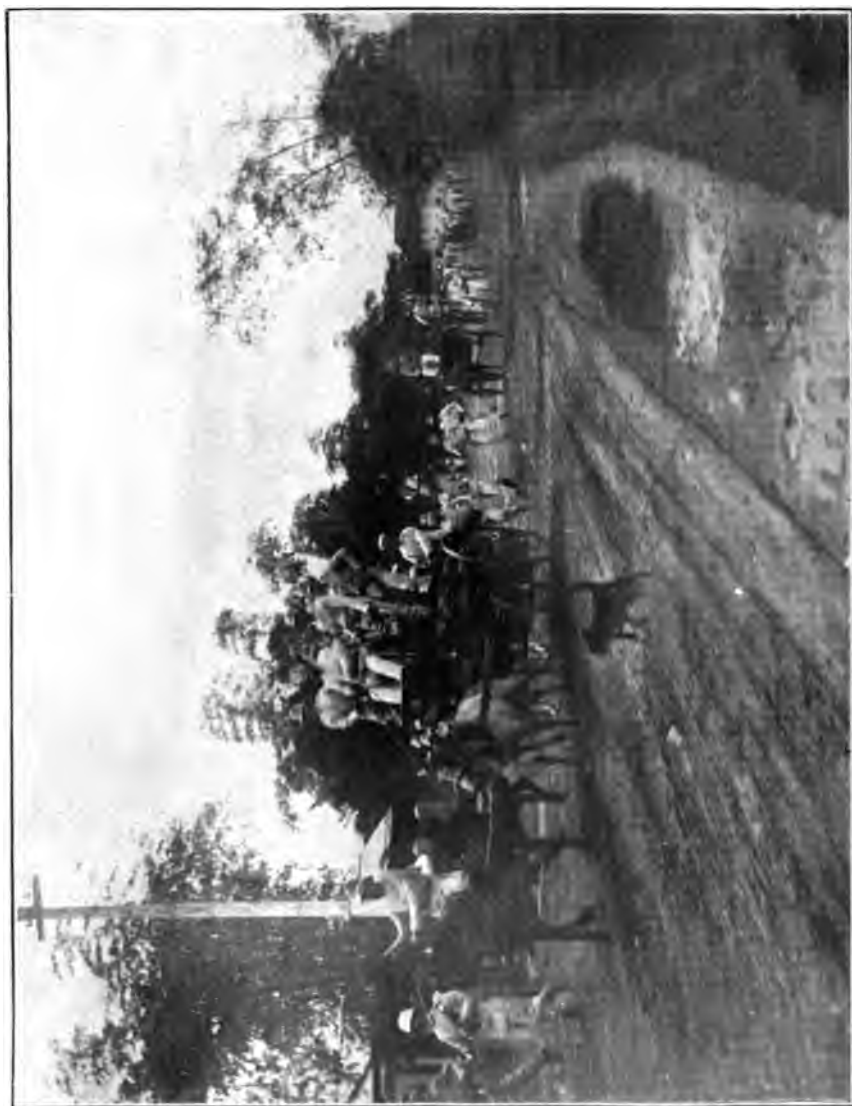
To all officers I am greatly indebted for their unvarying support and able assistance, most cheerfully rendered, during the entire period in which I was called upon to exercise a general supervision over Philippine affairs. To all officers and enlisted men of the Army of the Phil-

ippines the country is indebted for the hardships, dangers, and labors they have endured, encountered, and performed in its service.

I am greatly pleased to acknowledge my obligations to the officers of the United States Navy, who promptly cooperated with our troops on every occasion when their services could aid in the prosecution of the war, and they rendered signal and most valuable assistance, without which our efforts could not have resulted in the successes achieved. A most unusual harmony prevailed between all officers of the Army, and between them and the authorities of the Navy, due to the often expressed sentiment that all were engaged in a common cause and that each would render to the extent of his ability, in whatever circumstances placed.

Thus far in this report we have endeavored only to present the main operations of our troops throughout the Philippines from August 31 of last year during the ensuing eight months, in which period the insurgent government and army were destroyed and all important islands were placed fairly well under United States supervision. At the end of this period war in its proper meaning had ceased to exist, but a very extended police system for the protection of the inhabitants, in which our troops had been dispersed in small bodies over the territory, was developed. Under Tagalo domination, or what was really the irresponsible, unlimited dictatorship of Aguinaldo cruelly enforced by his military officers, there was no rule by which the right or wrong of personal action could be determined, nor indeed did individual liberty of any kind exist. The so-called insurgent government, whatever it might have been at its inception, degenerated into a military despotism of a low order, in which neither property nor life had the least security. Insurgent officers were given a discretionary power to assume entire control of all places, barrios or municipalities, in any wise occupied by their troops, and to use the inhabitants and their property for war purposes as their judgment dictated, if the exigencies of defense or the desire for attack appeared to them to warrant it. The people, of course, were obliged to contribute very largely of their property acquisitions and in manual labor.

The embargoed or confiscated estates of absent owners, and the assassination of residents on suspicion merely, indicate that the rule of Aguinaldo and his lieutenants was relentless. The people were powerless, except in localities where only a few Tagalo soldiers were maintained, as in northern Luzon and some of the Visayan Islands, and there they occasionally sought relief from the persecutions suffered. Still the great majority were made to believe that the troubles which encompassed them were slight in comparison with those they would experience should the American soldier gain the ascendancy. The insurgent newspaper press, which was kept active, and the Hong-kong junta's printed productions were the only sources from which they could obtain information, and these charged our soldiers with the practice of barbarities in Manila and other localities of their occupation of a character scarcely equalled by Attila and his warriors. At the beginning of the war all the native population, fearing for their personal safety, fled upon the advance of our troops. Later, during our operations in northern Cavite and some of the central provinces of Luzon, where we had held troops for a time and where the inhabitants had gained some personal knowledge of the characteristics



TRIAL RUN OF NATIVE FIRE DEPARTMENT, MANILA. JUNE 20, 1899.





SALUTE TO THE UNION, FIRED ON THE LUNETA, MANILA, JULY 4, 1899, BY BATTERY D, SIXTH ARTILLERY.





LANDING SIGNAL CORPS SUPPLIES, SHIPPED ON U. S. ARMY TRANSPORT HOOKER. JULY 14, 1899.

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EMBARKATION OF COLORADO VOLUNTEERS AT MANILA, RETURNING TO THE UNITED STATES. JULY 14, 1899.





EMBARKATION OF COLORADO VOLUNTEERS. JULY 14, 1899.





GENERAL HALL'S HEADQUARTERS, CALAMBA. JULY 26, 1899.



RESIDENCE, CALLE NOZALEDAS, PACO, MANILA, SHOWING TYPICAL DWELLING OCCUPIED BY UNITED STATES OFFICERS.



CAMP FORTIETH UNITED STATES VOLUNTEER INFANTRY ON THE LUNETTA, MANILA. FEBRUARY 6, 1900.

1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

and conduct of our men, they remained in their habitations and apparently gladly welcomed us while we were engaged in extending our occupation; but as late as last January the people of the southern provinces abandoned their property and hurried to the mountains on our approach, leaving towns and cities deserted, so confident were they that our soldiers would repeat among them the infamous crimes which the insurgent Tagalo press had charged them with committing in the suburbs or in the proximity of Manila.

In northern Luzon, however, and in other sections of the islands where the Tagalo was not supreme nor his newspapers circulated, our troops were received with every manifestation of pleasure. This great dread of the American soldier influenced the people where it prevailed in giving adhesion to and supporting any form of power which could protect them from American rapacity, cruelty, and lust. In nearly every instance they returned to their homes so soon as they could ascertain that their lives would not be endangered thereby and were eager to recommence their trade and agricultural pursuits and receive the benefits of some form of police control whereby they would be protected from the impressment of guerrilla organizations and the robberies of bands of ladrones. With the destruction of the insurgent army and our rapidly increasing field of occupation, the necessity of creating or resurrecting municipal and provincial government became urgent.

Upon the confirmation of the Paris treaty Spain had hastily withdrawn all departments of civil and military control throughout the islands. Manila, the capital, we had governed since its surrender in August, 1898, and this gave us a great advantage by enabling us to acquire a knowledge of the late political situation and the means which had been employed to conduct the affairs of this island colony; also to deliberate upon and formulate practical methods for a temporary military government when the time for enforcing it should arrive. The judiciary, former municipal and provincial conditions, the requisites of commerce and internal trade, immigration and international interests and demands, public revenues and expenditures, peculiar social questions involving domestic relations and educational privileges, and property tenure, were the most important problems presented. The Spanish law must be applied until Congress could direct other rules of procedure, but application in many particulars was impossible under the changed political relations, and quite essential modifications became necessary. The people, too, knew nothing of public law or measures of political or domestic control and guidance except what they had learned of Spanish regulations and methods, and many of these had given occasion for rebellion. It was not policy therefore to put in force the more objectionable of their features whether of theory or practice, nor, if the aid of the natives was deemed essential, could the general political machinery employed be dispensed with.

Early in 1899 the speedy reestablishment of the judiciary was determined upon. With the indispensable assistance of Judge Arellano (a native of the islands, a profound lawyer, and probably the best-posted man living, whether Filipino or Spaniard, in Spanish political colonial history—at least, in so far as the Philippines are concerned), a supreme court for the islands and subordinate courts for the city of Manila were established on May 29. The first-mentioned consisted of 9 members—6 Filipino lawyers domiciled in Luzon, Panay, and Cebu, and 3 officers of the army, who had been duly admitted to the practice of

law in the courts of the United States. The orders re-creating these courts, announcing their personnel, and appointing the necessary assistant officials were set out in my former report. A mass of unfinished business, both civil and criminal, was left by the Spanish judges. To this the supreme court applied itself assiduously and cleared up all the cases which could properly come before it under the terms of the Paris Treaty within a few months. Formerly appeals could be taken from it to the court of last resort sitting in Madrid, but that proceeding being now impossible its decisions were declared to be final and conclusive.

The courts of the first instance exercised original and certain appellate jurisdiction, usually within the boundaries of political provinces; that is, the judicial district of such a court was generally limited by province boundaries. The densely populated province of Manila had been divided previously into four judicial districts, and we continued that division. Hence a court for each district was duly appointed, also a justices' court, and the territorial jurisdiction of the justice of the peace in each district was made coextensive with that of a court of the first instance. But the jurisdiction of every civil court thus constituted was not permitted to extend to or include offenses committed by either citizens of or persons sojourning within the Philippine Islands which were prejudicial to military administration and discipline, except by authority specially conferred by the military governor. In that class of cases jurisdiction remained in the provost courts, courts-martial, or military commissions, and the punishing power of the superior provost court was extended to enable it to deal properly with cases of fraud involving the public revenue. The collection of court records, judgment rolls, and papers connected with unfinished cases, both civil and criminal, was attended with great labor. In some instances important documents and court orders were found to be missing, which have not yet been recovered.

Very slight modifications were made at the time in former prevailing rules of court procedure or practice. A new notarial law was promulgated and put in operation, and regulations were published governing the examinations and admissions to the bar of attorneys, among whom resident United States citizens of good character were included. Foreign residents, and some of our own good people who had lately arrived in the islands, harshly criticised the action which had been taken in appointing and making them amenable to what they termed a native court, and United States lawyers, who proposed to pursue their profession in Manila, condemned the reestablishment of the intricate and to them unknown court practice of the Spanish Government. No friction ensued in the supreme court. An American citizen charged with an offense amounting nearly to a breach of the peace, when called upon to respond to the summons of the court of the first instance, denied its jurisdiction and appealed to the military governor for protection on the plea that the proceeding instituted against him "was prejudicial to military administration and discipline." The court was sustained and he was compelled to answer. Some friction resulted from the attempts of the minor courts to execute process through certain of our officers exercising public civil functions in accordance with the former Spanish custom, but all difficulties of this character were happily adjusted. The territorial jurisdiction of these civil courts could not be any more widely extended until additional territory was acquired by driving out the insurgent troops and securing a supervisory charge of the inhabitants. At the cities of

oil and Cebu, which were surrounded by an active enemy who constantly opposed us, the business complications of the communities required judicial determination of opposing individual interests. To meet the necessity the following instructions were issued:

GENERAL ORDERS, }

OFFICE OF THE U. S. MILITARY GOVERNOR

IN THE PHILIPPINE ISLANDS,

Manila, P. I., June 24, 1899.

No. 23.

The provost courts appointed for Iloilo, Panay Island, and Cebu, Cebu Island, are, in addition to the criminal jurisdiction vested in them, and except as hereinafter provided, vested with civil jurisdiction coextensive with that exercised by courts of first instance and of the peace heretofore administered for such places. These provost courts, in the exercise of the civil jurisdiction conferred, will formulate their own procedure, which will be simple and brief. In the decisions rendered they will be guided by the provisions of Spanish law recognized in General Orders 20 and 21, etc., this office, as continuing in force in places in the Philippine Islands under United States military occupation when such provisions can be ascertained, and by principles of equity and justice.

The provost courts named will take cognizance only of such civil causes as are referred to them for trial by the authority appointing them or the successor to that authority, and their decrees and judgments, when approved by that authority, shall be final; and no civil cause shall be so referred in which the demand, exclusive of interest, or the value of the property in controversy, exceeds five thousand Mexican dollars.

Provost courts shall promptly report to these headquarters, through regular channels, the civil causes of which they assume jurisdiction and the disposition made in each.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

Similar jurisdiction and powers were conferred upon the provost court of Cavite. In Negros a judiciary was provided for in the orders of July 22 which established its temporary government. It consisted of three judges appointed by the military governor of that island, who were to hold court at such times and places as the island authorities might determine, and were to sit in banc on stated occasions in order to hear appeals. From this court in banc appeal could be made to the supreme court at Manila in all civil cases where the amount involved exceeded \$500 (Mexican), and in all criminal cases amounting to felony. While awaiting the time when the judicial department would be able to extend itself territorially, needed court officials and assistant subordinate court branches were appointed and added. Power was conferred upon the civil courts to determine questions of guilt and impose the prescribed penalties in cases arising under the orders of the military government, which prohibited certain action detrimental to the currency of the islands. Copper coin was greatly needed for circulation. There were among the seized funds in the treasury some \$300,000 of that money. If issued, there was danger that it would be collected and shipped to Spain. Certain small amounts of this treasury copper, sufficient in quantity for the business of the community, were sent to the Manila banks monthly, and the following orders were promulgated to guard against its exportation:

GENERAL ORDERS, }

OFFICE OF THE MILITARY GOVERNOR

IN THE PHILIPPINE ISLANDS,

Manila, P. I., September 27, 1899.

No. 41.

I. Until further orders the exportation of Spanish copper coinage from these islands is prohibited under penalties hereinafter prescribed.

II. All persons who have exported or may attempt to export from these islands copper coinage in violation of the preceding paragraph shall, upon conviction, be fined not more than 500 pesos or imprisoned not more than six months, or shall suffer

both such fine and imprisonment at the discretion of the court; in addition, the coinage so exported or attempted to be exported shall be forfeited.

III. Offenses under this order will be tried and punished by the courts of first instance under such provisions as to jurisdiction and appeal as govern said courts in the exercise of their usual criminal jurisdiction. Where courts of first instance have not been provided, said offenses will be tried and punished by the provost courts, whose judgment in such cases, when approved by proper authority, shall be final.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

Under Spanish rule certain classes of offenses charged against citizens were triable only by military tribunals, and certain of these the civil courts were now directed to determine, although crimes of the nature of a conspiracy affecting the safety or integrity of the Government were retained within the sole jurisdiction of our military courts. The following orders indicate the action taken:

I. The ordinary civil courts are hereby declared competent to take cognizance of the class of offenses specified in rule 12, article 53, of the Reformed Compilation of Provisions of Spanish Law as to criminal procedure, under their usual procedure as to jurisdiction and appeal, excepting only such of these offenses as are, under provisions of laws of the United States, within the jurisdiction of its military or naval courts-martial, or are reserved by the military authorities for trial by other military tribunals; the said rule 12, article 53, being hereby revoked.

II. Offenses of the class named committed prior to the date of this order and now awaiting trial, in respect of which the said civil courts, both in the first and second instance, have declared themselves without jurisdiction under said rule 12, will be returned to said courts that they may take cognizance of the same and render judgment thereon.

The people complained of the existing Spanish law regarding matrimony, especially of the great expense incurred in securing the solemnization of the marriage ceremony, or, in fact, the validity of the marriage contract. This attendant expense, they asserted, had influenced concubinage, or an illegal marriage copartnership, which prevailed extensively throughout the islands, to the detriment of morals and the insecurity of property descent. In December, 1899, a law was promulgated on the subject, quite radical in some of its features compared with former legal requirements, and defining the duties of civil courts on questions arising from this domestic relation for authoritative disposition. The importance of the proceeding and the criticisms it has received from Spanish members of the religious orders still domiciled in the Philippines make it advisable to present the orders publishing the law in their entirety. They are as follows:

GENERAL ORDERS, }
No. 68. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., December 18, 1899.

The following provisions respecting marriage shall be in force in these islands from and after this date:

All laws and provisions, general and particular, and even those customary, which are in conflict with this order, are hereby revoked.

SECTION I. Any unmarried male of the age of 14 years or upward and any unmarried female of the age of 12 years or upward, and not otherwise disqualified, are capable of consenting to and consummating marriage.

SEC. II. Marriages between parents and children, ancestors and descendants of every degree, between brothers and sisters of the half as well as the whole blood, between uncles and nieces or aunts and nephews, and between stepparents and stepchildren, are incestuous and void from the beginning, whether the relationship is legitimate or illegitimate.

SEC. III. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife, is illegal and void from the beginning, unless:

1. The former marriage has been annulled or dissolved.
2. Unless such former husband or wife was absent and not known to such person to be living for the space of seven successive years immediately preceding such subsequent marriage, or was generally reputed and was believed by such person to be dead at the time that such subsequent marriage was contracted; in either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

SEC. IV. All marriages contracted without these islands which would be valid by the laws of the country in which the same were contracted are valid in these islands.

SEC. V. Marriage may be solemnized by either a judge or any court inferior to the supreme court, justice of the peace, or priest or minister of the gospel of any denomination.

SEC. VI. No particular form for the ceremony of the marriage is required, but the parties must declare, in the presence of the person solemnizing the marriage, that they take each other as husband and wife.

SEC. VII. The person solemnizing a marriage must make and sign a certificate showing:

1. The real and full names of the parties and their places of residence.
2. Their ages.
3. The consent of the father, mother, or guardian, or of one having the charge of such person, if any such be given, if the male or female be under the age of 21. For the purpose of ascertaining these facts, the person solemnizing the marriage is authorized to examine parties and witnesses on oath and receive affidavits, and he must state such facts in his certificate. The marriage shall not be performed in case of nonage unless the consent hereinbefore required shall be personally given by the parent or guardian or person having charge of the infant, or certified in writing over his or her signature, attested by two or more subscribing witnesses, and proved by the oath of one of them.

SEC. VIII. The person solemnizing the marriage must, at the request of either party, make a certified copy of the certificate, and transmit the original to or file the same with the justice of the peace of the district within which the marriage is celebrated, or, in default of such official, the judge-advocate or acting judge-advocate of the military department in which the ceremony is solemnized, within thirty days after the marriage. The written consent to the marriage of a minor shall accompany such certificate. For failing to transmit such certificate or written consent he shall be fined not less than \$25 and not more than \$50.

SEC. IX. No marriage heretofore solemnized before any person professing to have authority therefor shall be invalid for want of such authority or on account of any informality, irregularity, or omission, if it was celebrated with the belief of the parties, or either of them, that he had authority, and that they have been lawfully married.

SEC. X. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

1. That the party in whose behalf it is sought to have the marriage annulled was under the age of legal consent, and such marriage was contracted without the consent of his or her parents or guardian or person having charge of him or her, unless, after attaining the age of consent, such party for any time freely cohabited with the other as husband or wife.

2. That the former husband or wife of either party was living and the marriage with such former husband or wife was then in force.

3. That either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband or wife.

4. That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband or wife.

5. That the consent of either party was obtained by force, unless such party afterwards freely cohabited with the other as husband or wife.

6. That either party was at the time of marriage physically incapable of entering into the married state, and such incapacity continues and appears to be incurable.

SEC. XI. The action to obtain a decree of nullity of marriage for causes mentioned in the preceding section must be commenced within the periods and by the parties as follows;

1. For causes mentioned in subdivision 1: By the party to the marriage who was married under the age of legal consent, within four years after arriving at the age of consent, or by a parent, guardian, or other person having charge of such nonaged male or female at any time before such married minor has arrived at the age of legal consent.

2. For causes mentioned in subdivision 2: By either party during the life of the other or by such former husband or wife.

3. For causes mentioned in subdivision 3: By the party injured or relative or guardian of the party of unsound mind at any time before the death of either party.

4. For causes mentioned in subdivision 4: By the party injured, within four years after the discovery of the facts constituting the fraud.

5. For causes mentioned in subdivision 5: By the injured party, within four years after the marriage.

6. For causes mentioned in subdivision 6: By the injured party, within four years after the marriage.

SEC. XII. Where a marriage is annulled on the ground that a former husband or wife was living, or on the ground of insanity, children begotten before the judgment are legitimate.

SEC. XIII. The court must award custody of the children of a marriage annulled on the ground of fraud or force to the innocent parent, and may also provide for their education and maintenance out of the property of the guilty party.

SEC. XIV. Jurisdiction in cases of nullity shall be vested in courts of the first instance or in courts of similar jurisdiction now or hereafter to be established, with the right of appeal as in other civil causes.

SEC. XV. The certificates required by the foregoing provisions may be substantially in the following form:

Marriage certificate.

PROVINCE OF ———, (town or city) of ———.

I do hereby certify that on the ——— day of ———, at the house of ——— or at ——— church, in said (town or city) of ———, A. B., of ———, aged ——— years and ——— months, and E. D., of ———, aged ——— years and ——— months, were with their mutual consent lawfully joined together in holy matrimony by me in the presence of M. P., of ———, and R. S., of ———, attesting witnesses; and I do further certify that the said A. B. and E. D. (are personally known to me, or were satisfactorily identified by the oath of W. Z., known to me); that I ascertained, previous to the solemnization of the marriage, that each of said parties was of lawful age to contract the same; that consent to such marriage was duly given, as required by law, by the (father, mother, or person having charge) of the said infant, A. B., and *should both contracting parties be infants*, by (the father, mother, or person having charge) of the said E. D., and that upon due inquiry by me made there appeared no lawful impediment to the marriage.

Witness my hand this ——— day of ———, ———.

L. M.,

Purish Priest (Rector or Minister of, etc., or Justice or Judge of, etc.).

Witnesses:

Within the foregoing certificate may be included such additional averments as may be required by or be conformable to the rules or customs of particular churches —

Consent to marriage of a person under age.

PROVINCE OF ———, (city or town) of ———.

This is to certify that I, the undersigned, residing in the (city or town) of ———, province of ———, (father, mother, or person in charge) of A. B., infant, residing in ———, ———, hereby freely consent to (his or her) marriage with E. D., of ———; and that I know of no legal impediment to such marriage.

F. G.

Witnesses:

Affidavit of witnesses to certificate of consent.

PROVINCE OF ———, (city or town) of ———.

Before me personally appeared H. I., one of the subscribing witnesses to the foregoing certificate of consent, signed by F. G., who, being by me duly sworn, deposes and says that (he or she) is well acquainted with the said F. G., and knows (him or her) to be the same person who executed said certificate, and that (he or she) was present and saw the said F. G. sign the same.

Witness my hand this ——— day of ———, ———.

S. T.,

Notary Public, etc.

Such oath may be administered by any member of the supreme court, by any judge of the first instance, justice of the peace, notary public, or by the person solemnizing such marriage, or by any person duly authorized by the laws of the place in which the same may be administered.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

The further extension of the civil judiciary in the islands commenced early in January and was continued as rapidly as political conditions warranted. The orders effecting this and announcing changes in the personnel of the courts are brief and as follows:

JANUARY 2, 1900.

The court of first instance of the province of Pangasinan is hereby established at Dagupan, P. I., with the same rank, attributes, and connection with the supreme court of these islands as the courts of first instance of the city of Manila.

The following appointments are announced:

Judge, D. Ambrosio Rianzares Bautista.

District attorney, D. Fernando Grey.

JANUARY 16, 1900.

Courts of first instance of the provinces of Cagayan and Isabela are hereby consolidated into one court. This court will hold its sessions at Tuguegarao, capital of the first-named province, and will have the same rank, attributes, and dependence upon the supreme court of the Philippine Islands as the courts of first instance of the province of Manila.

The following appointments are announced:

Judge, Don Vicente Nepomuceno.

District attorney, Don Modesto Naval.

JANUARY 20, 1900.

The duly appointed clerks of courts of first instance in the provinces of Pangasinan, Cagayan, and Isabela, and in other provinces where such courts may hereafter be established, are authorized and required to perform notarial duties within said provinces until such time as notaries have been appointed for said provinces and shall have entered upon the discharge of their duties.

JANUARY 25, 1900.

I. The necessary military duties as commanding officer of his regiment now in the field making it impracticable for him to perform those of associate justice of the criminal branch of the supreme court of the Philippine Islands, Col. William E. Birkhimer, Twenty-eighth Infantry, U. S. Volunteers, is hereby relieved from the latter duty.

II. Lieut. Col. Thomas R. Hamer, Thirty-seventh Infantry, U. S. Volunteers, having reported in obedience to paragraph 8, Special Orders, No. 258, series 1899, headquarters Department of the Pacific and Eighth Army Corps, is announced as associate justice of the criminal branch of the supreme court of the Philippine Islands.

JANUARY 31, 1900.

A court of first instance for the province of Ilocos Sur is hereby established at Vigan, P. I., with the same rank, attributes, and dependence upon the supreme court of the Philippine Islands as the courts of first instance of the province of Manila.

The following appointments are announced:

Judge, Don Gaspar Bartolomé.

District attorney, Don Francisco Tongson.

The oath of office prescribed in General Orders, No. 20, this office, series 1899, will be administered to the judge of first instance, herein appointed, by such officer of the Army as the commanding general at Vigan may designate. The judge, upon qualifying, is authorized to administer the oath of office to the district attorney and the subordinate officials of the court.

The duly appointed clerk of the court herein established is authorized for the present to act as notary public by General Orders, No. 8, c. s., this office. In the same manner the district attorney of this and other courts of first instance in provinces other than the province of Manila are authorized and required to perform the duties of registrars of property within and for their respective provinces pending the appointment of such registrars therein.

FEBRUARY 13, 1900.

A court of first instance of the second class for the province of Cavite is hereby established at Cavite, P. I., with the same attributes and connection with the supreme court of these islands as the courts of first instance in the province of Manila.

The following appointments are announced:

Judge, Don Santiago Molina.

District attorney, Don Francisco Lalana.

A clerk and the necessary subordinate officials of this court will be named by the judge thereof. The duly appointed district attorney and clerk are authorized by General Orders Nos. 19 and 8, c. s., this office, to perform respectively the duties of registrar of property and notary public, pending the appointment of such registrar and notary for said province.

MARCH 27, 1900.

A court of first instance for the province of Iloilo, Panay Island, P. I., is hereby established at Iloilo, P. I., with the same rank, attributes, and connection with the supreme court of these islands as the courts of first instance of the province of Manila.

The following appointments are announced:

Judge, D. Juan de Leon.

District attorney, D. Francisco Villanueva.

The clerk and necessary subordinate officials of this court will be named by the judge thereof. The district attorney is authorized, under General Orders, No. 19, c. s., this office, to perform the duties of registrar of property for the province of Iloilo, pending the appointment of a registrar therein.

The oath of office prescribed by General Orders, No. 20, this office, series 1899, will be administered to the judge herein appointed by an army officer designated for that purpose by the commanding general of the district of Visayas. The judge, upon qualifying, is authorized to administer the oath of office to the district attorney and subordinate officials of the court.

APRIL 24, 1900.

The territorial jurisdiction of each of the several courts of first instance and of the peace of the province of Manila is hereby extended, both civilly and criminally, to include the entire province.

All matters coming before such courts for adjudication or consideration shall be assigned to the judges of first instance and to the justices of the peace, within their respective spheres, in such manner as may be prescribed by the supreme court.

APRIL 30, 1900.

A court of first instance for the province of Pampanga is hereby established at Bacolor, P. I., with the same rank, attributes and dependence upon the supreme court of the Philippine Islands as the courts of first instance of the province of Manila.

The following appointments for this court are announced:

Judge, Don Enrique Macapinlac.

District attorney, Don Juan F. Garcia.

A court of first instance of the second class for each of the provinces of Nueva Ecija and Ilocos Norte, and a similar court, but of the third class, for the province of Bataan, are hereby established—for the first-named province at San Isidro, P. I., for the second at Laoag, P. I., and for the third at Balanga, P. I. These several courts will possess the same attributes and dependence upon the supreme court of these islands as the courts of first instance of the province of Manila.

The following appointments for these courts are announced:

Province of Nueva Ecija: Judge, Don Ramon Mafialac; district attorney, Don Epifanio de los Santos.

Province of Ilocos Norte: Judge, Don Pedro L. Valdez; district attorney, Don Policarpo Soriano.

Province of Bataan: Judge, Don Calixto Tianceo; district attorney, Don Oscar Soriano.

The judges and district attorneys appointed in this order will repair at the earliest opportunity to Manila and qualify in the respective positions to which they have been appointed, before the gubernative branch of the supreme court. Commanding officers of the nearest stations will furnish the necessary transportation.

Clerks and other necessary subordinate officials of the several courts herein established will be appointed by the respective judges thereof, who will administer to each the oath of office prescribed in General Orders, No. 20, of this office, series of 1899. The duly appointed district attorneys and clerks are authorized to perform respectively the duties of registrars of property and notaries public for their respective provinces, pending the appointment of such registrars and notaries therein.

MAY 4, 1900.

His honor, Judge Raymundo Melliza, president of the criminal branch of the supreme court of the Philippines, who was duly appointed to that position in General Orders, No. 20, of May 29, 1899, from this office, having tendered his resignation on account of press of private business and impaired health, the same is accepted to take effect from this date. In accepting the resignation of Judge Melliza, the military governor desires to express his regret that Judge Melliza has been obliged to sever his connection with the supreme bench, and takes the occasion to thank him for the distinguished services he has rendered in the interests of the Filipino people and the United States Government.

Upon the reestablishment of the civil judiciary its codes of procedure received but slight amendments, although the necessity of extended modifications in the criminal practice was recognized from the first. The labor of effecting it was soon entered upon by members of the supreme court, especially the chief justice and his American associates, who were ably assisted by the attorney-general. Under Spanish methods the prisoner charged with crime had slight opportunity to make intelligent defense, and little liberty of action or decision while undergoing prosecution, which the laws permitting delays might extend almost indefinitely. The native representatives of the court were very desirous to introduce, as speedily as possible, the privileges accorded by United States laws to its citizens until judicially pronounced guilty, and worked earnestly to accomplish it, while still retaining intact the laws defining and prescribing punishments for the commission of public offenses. The full result of these labors is embodied in the following orders:

GENERAL ORDERS, }

No. 58. }

OFFICE OF THE U. S. MILITARY GOVERNOR

IN THE PHILIPPINE ISLANDS,

Manila, P. I., April 23, 1900.

In the interests of justice, and to safeguard the civil liberties of the inhabitants of these islands, the criminal code of procedure now in force therein is hereby amended in certain of its important provisions, as indicated in the following enumerated sections:

SECTION 1. The following provisions shall have the force and effect of law in criminal matters in the Philippine Islands from and after the 15th day of May, 1900, but existing laws on the same subjects shall remain valid except in so far as hereinafter modified or repealed expressly or by necessary implication.

PROSECUTION OF OFFENSES.

SEC. 2. All prosecutions for public offenses shall be in the name of the United States against the persons charged with the offenses.

SEC. 3. All public offenses triable in courts of first instance or in courts of similar jurisdiction, now established or that hereafter may be established, must be prosecuted by complaint or information.

SEC. 4. A complaint is a sworn written statement made to a court or magistrate that a person has been guilty of a designated offense.

SEC. 5. An information is an accusation in writing charging a person with a public offense, presented and signed by the promotor fiscal or his deputy and filed with the clerk of the court.

SEC. 6. A complaint or information is sufficient if it shows:

1. The name of the defendant, or, if his name can not be discovered, that he is described under a fictitious name, with a statement that his true name is unknown to the informant or official signing the same. His true name may be inserted at any stage of the proceedings instituted against him, whenever ascertained.

2. The designation of the crime or public offense charged.

3. The acts or omission complained of as constituting the crime or public offense in ordinary and concise language, without repetition, not necessarily in the words of the statute, but in such form as to enable a person of common understanding to know what is intended and the court to pronounce judgment according to right.

4. That the offense was committed within the jurisdiction of the court and is triable therein.

5. The names of the persons against whom, or against whose property, the offense was committed, if known.

Sec. 7. Except when time is a material ingredient of an offense, the precise time of commission need not be stated in a complaint or information, but the act may be alleged to have been committed at any time before the filing thereof. And where an offense shall have been described with sufficient certainty to identify the act, an erroneous allegation as to the person injured shall be deemed immaterial.

Sec. 8. A complaint or information may be substantially in the following form:

"*The United States against A B:*

"In the court of ———, for ———, province of ———, the ——— day of ———, 19—.

"A B is accused by the undersigned of the crime of (giving its legal appellation, such as murder, arson, robbery, or the like, or designating it as a felony or misdemeanor), committed as follows:

"That said A B, on the ——— day of ———, 19—, at the ——— of ———, province of ——— (here set forth the acts or omissions charged as an offense), contrary to the statute in such case made and provided.

"(Signed) ———."

Sec. 9. The information or complaint may be amended in substance or form, without leave of court, at any time before the defendant pleads; and thereafter, during the trial, as to all matters of form, at the discretion of the court, when the same can be done without prejudice to the rights of the defendant.

Sec. 10. No information or complaint is insufficient, nor can the trial, judgment, or other proceeding be affected by reason of a defect in matter of form which does not tend to prejudice a substantial right of the defendant upon the merits.

Sec. 11. A complaint or information must charge but one offense, except only in those cases in which existing laws prescribe a single punishment for various allied offenses.

Sec. 12. Every person making complaint charging the commission of a crime or public offense must inform the magistrate of all persons whom he believes to have any knowledge of its commission; and the magistrate shall issue subpoenas for such persons, requiring them to attend at a specified time and place as witnesses.

Sec. 13. When a complaint or information alleging the commission of a crime is laid before a magistrate, he must examine, on oath, the informant or prosecutor and the witnesses produced, and take their depositions in writing, causing them to be subscribed by the parties making them. If the magistrate be satisfied from the investigation that the crime complained of has been committed, and that there is reasonable ground to believe that the party charged has committed it, he must issue an order for his arrest. If the offense be bailable, and the defendant offer a sufficient security, he shall be admitted to bail; otherwise he shall be committed to prison.

Sec. 14. If the magistrate shall believe from the evidence submitted, either that the crime complained of was not committed, or that, if committed, the person charged did not commit it, he must set the person at liberty; but such release shall not prevent the filing of a new complaint or information and the arrest of the accused thereon at any time before the prosecution of the offense shall be barred by the statute. In case the promotor fiscal may appeal from the order of release, the judge shall subject the accused to such inspection and measures of vigilance as may be deemed prudent to prevent his escape.

RIGHTS OF ACCUSED AT THE TRIAL.

Sec. 15. In all criminal prosecutions the defendant shall be entitled—

1. To appear and defend in person and by counsel at every stage of the proceedings.

2. To be informed of the nature and cause of the accusation.

3. To testify as a witness in his own behalf; but if a defendant offers himself as a witness he may be cross-examined as any other witness. His neglect or refusal to be a witness shall not in any manner prejudice or be used against him.

4. To be exempt from testifying against himself.

5. To be confronted at the trial by and to cross-examine the witnesses against him. Where the testimony of a witness for the prosecution has previously been taken down by question and answer in the presence of the accused or his counsel, the defense having had an opportunity to cross-examine the witness, the deposition of the latter may be read, upon satisfactory proof to the court that he is dead or insane, or can not with due diligence be found on the islands.

6. To have compulsory process issue for obtaining witnesses in his own favor.
7. To have a speedy and public trial.
8. To have the right of appeal in all cases.

ARRAIGNMENT AND COUNSEL.

SEC. 16. When a complaint or information shall have been filed the defendant must be arraigned thereon before the court in which it is filed, unless the cause shall have been transferred elsewhere for trial. If the charge is for a felony (delito), the defendant must be personally present at the arraignment; but if for a misdemeanor (falta), he may appear by counsel.

SEC. 17. If the defendant appears without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him. A reasonable time must be allowed for procuring counsel.

SEC. 18. The arraignment must be made by the court or clerk, and shall consist in reading the complaint or information to the defendant and delivering to him a copy thereof, including a list of witnesses, and asking him whether he pleads guilty or not guilty as charged. The prosecution may call at the trial other witnesses than those named in the complaint or information.

DEMURRERS AND PLEAS.

SEC. 19. If, on the arraignment, the defendant requires it, he must be allowed a reasonable time, not less than one day, to answer the complaint or information. He may, in his answer to the arraignment, demur or plead to the complaint or information.

SEC. 20. Both demurrer and plea must be submitted in open court, either at the arraignment or at such other time as may be allowed to the defendant for the purpose.

SEC. 21. The defendant may demur to the complaint or information when it appears on the face thereof:

1. That the offense charged is not within the jurisdiction of the court.
2. That it does not conform substantially to the prescribed form.
3. That more than one offense is charged; except only in those cases in which existing laws prescribe a single punishment for various allied offenses.
4. That the facts charged do not constitute a public offense.
5. That it contains averments which, if true, would constitute a legal justification or excuse.

SEC. 22. In courts of first instance or of like jurisdiction, the demurrer must be in writing, signed by the defendant or his counsel, and must distinctly set forth the grounds of objection, or it shall be disregarded. The formal demurrer shall be accompanied by such arguments in writing as the defense may desire to submit to sustain it. Within three days after the filing of a demurrer the promotor fiscal must file his answer thereto in writing. The judgment of the court, either allowing or disallowing it, must be in writing and shall be filed with the papers in the case within three days after the demurrer is heard.

SEC. 23. If the demurrer is sustained, the judgment shall be final on the complaint or information demurred to, and it shall be a bar to another prosecution for the same offense unless the court delivering judgment was without jurisdiction, or unless the court, being of opinion that the objection may be avoided, directs a new complaint or information to be filed. If the court does not direct that the accused be remanded to a court of proper jurisdiction for trial or that a new information be filed, the defendant must be discharged or his bail be exonerated.

SEC. 24. Should the demurrer be disallowed, the court must require the defendant to plead. If he refuses, a plea of not guilty shall be entered for him.

There are four kinds of pleas to an information or complaint: (1) Guilty; (2) not guilty; (3) a former judgment of conviction or acquittal of the offense charged, which may be pleaded either with or without the plea of not guilty; (4) once in jeopardy, which may be pleaded with or without the plea of not guilty.

The plea must be oral, and a minute thereof in writing filed with the papers in the case.

SEC. 25. A plea of guilty can be put in only by the defendant himself in open court. The court may at any time before judgment upon a plea of guilty permit it to be withdrawn and a plea of not guilty substituted.

SEC. 26. When a defendant shall have been convicted or acquitted or once placed in jeopardy upon an information or complaint, the conviction, acquittal, or jeopardy

shall be a bar to another information or indictment for the offense charged, or for an attempt to commit the same, or for a frustration thereof, or for any offense necessarily therein included of which he might have been convicted under such complaint or information.

SEC. 27. If the defendant shall have been formerly acquitted on the ground of variance between the complaint or information and the proof, or if the complaint or information shall have been dismissed upon objection to its form or substance or in order to hold the defendant for a higher offense without a judgment of acquittal, it shall not be considered an acquittal of the same offense.

SEC. 28. A person can not be tried for an offense, nor for any attempt to commit the same or frustration thereof, for which he has been previously brought to trial in a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction, after issue properly joined, when the case is dismissed or otherwise terminated before judgment without the consent of the accused.

SEC. 29. The court may find the defendant guilty of any offense, or of any frustrated or attempted offense, the commission of which is necessarily included in the charge in the complaint or information.

SEC. 30. After his plea the defendant shall be entitled, on demand, to at least two days in which to prepare for trial.

THE TRIAL.

SEC. 31. The plea of not guilty having been entered, the trial must proceed in the following order:

1. The counsel for the United States must offer evidence in support of the charges.
2. The defendant or his counsel may offer evidence in support of the defense.
3. The parties may then, respectively, offer rebutting testimony, but rebutting testimony only, unless the court, in furtherance of justice, permit them to offer new and additional evidence bearing upon the main issue in question.
4. When the introduction of testimony shall have been concluded, unless the case is submitted to the court without argument, the counsel for the United States must open the argument, the counsel for the defense must follow, and the counsel for the United States may conclude the same. The arguments by either counsel may be oral or written, or partly oral and partly written, but only the written arguments, or such portions of the same as may be in writing, shall be preserved in the records of the case.

SEC. 32. In courts of first instance or of similar jurisdiction, each witness must be duly sworn and his testimony reduced to writing as a deposition by the court or under its direction. The deposition must state the name, residence, and occupation of the witness. It must contain all questions put to the witness and his answers thereto. If a question put is objected to and the objection be either overruled or sustained, the fact of objection and its nature together with the ground on which it shall have been sustained or overruled must be stated, or if a witness declines to answer a question put, the fact and the proceedings taken thereon shall be entered in the record. The deposition must be read to the witness and made to conform to what he declares to be the truth. He must sign the same, or, if he refuses, his reason for such refusal must be stated. It must also be signed by the magistrate and certified by the clerk. In cases where an official stenographer is engaged, the testimony and proceedings may be taken by him in shorthand, and it will not then be necessary to read the testimony to the witness nor for the latter to sign the same; but a transcript of the record made by the official stenographer and certified as correct by him shall be prima facie a correct statement of such testimony and proceedings.

SEC. 33. When two or more defendants are jointly charged with a felony, any one of the defendants demanding it must be tried separately.

SEC. 34. When two or more persons shall be included in the same charge, the court, at any time before the defendants have entered upon their defense or upon the application of the counsel of the Government, may direct any defendant to be discharged, that he may be a witness for the United States.

SEC. 35. When two or more persons shall be included in the same charge, and the court shall be of opinion in respect to a particular defendant that there is not sufficient evidence to put him on his defense, it must order him to be discharged before the evidence is closed, that he may be a witness for his codefendant.

SEC. 36. The order indicated in sections 34 and 35 shall amount to an acquittal of the defendant discharged, and shall be a bar to future prosecution for the same offense.

SEC. 37. When it appears at any time before judgment is taken that a mistake has been made in charging the proper offense, the defendant must not be discharged if there appear to be good cause to detain him in custody, but the court must commit him to answer the proper offense, and may also require the witnesses to give bail for their appearance at the trial.

SEC. 38. If the promotor fiscal or his deputy fails to be present at the trial, the court must appoint some attorney at law to perform the duties of prosecutor at the trial.

SEC. 39. While a witness shall be under examination, the magistrate may exclude all witnesses who have not testified. He may also cause witnesses to be kept separate, and to be prevented from conversing with one another, until all shall have been examined.

SEC. 40. The court must also, upon the request of the defendant, exclude from the trial every person except the officers of the court and the attorneys for the prosecution and defense.

SEC. 41. The defendant must be personally present at the time of pronouncing judgment, if the conviction is for a felony; if for a misdemeanor, the judgment may be pronounced in his absence.

REOPENING OF THE TRIAL.

SEC. 42. At any time before the final entry of a judgment for conviction the defendant may move, either in the court in which the trial was had or on appeal to a higher court, for a reopening of the case upon the ground of newly discovered evidence material to his defense. The motion must be made to the court which pronounced sentence, or to the appellate court if the case shall have been appealed, and must be made in writing and be supported by the affidavits of the witnesses by whom such evidence is expected to be given, or by duly authenticated copies of documents which it is proposed to introduce in evidence. Within a like period after conviction a case may be reopened on account of errors of law committed at the trial. The motion must be in writing and must set forth the errors alleged to have been committed. In courts of higher jurisdiction the decision of the court on such motions shall be in writing, and together with the motion and affidavit, shall be attached to the papers in the case, and any evidence admitted must be taken and recorded as upon the original hearing. The new hearing, if allowed, shall take place in the court of original jurisdiction.

APPEALS.

SEC. 43. From all final judgments of the courts of first instance or courts of similar jurisdiction, and in all cases in which the law now provides for appeals from said courts, an appeal may be taken to the Supreme Court, as hereinafter prescribed. Appeals shall also lie from the final judgments of justices of the peace in criminal cases to the courts of the next superior grade, and the decisions of the latter thereon shall be final and conclusive, except in cases involving the validity or constitutionality of a statute, wherein appeal may be made to the Supreme Court.

SEC. 44. Either party may appeal from a final judgment, or from an order made after judgment affecting the substantial rights of the appellant, or in any case now permitted by law. The United States may also appeal from a judgment for the defendant rendered on a demurrer to an information or complaint, and from an order dismissing a complaint or information.

SEC. 45. An appeal shall be taken by filing with the clerk of the court in which the judgment or order was rendered, or with such court, a notice stating the appeal, and by serving a copy thereof upon the adverse party or his attorney.

SEC. 46. If personal service of the copy of the notice of appeal can not be made, the court may order the publication of the notice in some newspaper having general circulation in the vicinity at least once each week for a period not exceeding thirty days, and such publication shall be deemed equivalent to personal service.

SEC. 47. An appeal must be taken within fifteen days from the rendition of the judgment or order appealed from.

SEC. 48. Upon an appeal being taken, the clerk or judge of the court with whom the notice of appeal shall have been filed, must, within five days after the filing of the notice, transmit to the clerk of the court to which the appeal is taken the complete record in the case together, with the notice of the appeal, but upon appeals from justices' courts a transcript of the papers and entries in the docket will be forwarded to the court to which the appeal is taken.

SEC. 49. When several defendants are tried jointly, any one or more of them may make an appeal; but those who do not join in the appeal shall not be affected thereby.

RECORDS OF TRIALS.

SEC. 50. It shall not be necessary to forward to the supreme court the record of any part thereof, of any case in which there shall have been an acquittal, or in which the sentence imposed does not exceed confinement in prison for one year, or a fine exceeding 250 pesos, exclusive of costs, unless such case shall have been duly appealed. Such sentences shall be executed upon the order of the court in which the trial had. The record of all cases in which the death penalty, or imprisonment exceeding one year, or a fine exceeding 250 pesos, exclusive of costs of trial, shall have been imposed, shall be forwarded to the clerk of the criminal branch of the supreme court within twenty days, but not earlier than fifteen days, after the rendition of the sentence. All cases involving sentence of death, or of imprisonment exceeding six years, or of fine exceeding 1,250 pesos, or in which an appeal shall have been taken, shall be submitted to the criminal branch of the supreme court, and shall thereafter take the same course as is now provided by law. Cases forwarded to the supreme court involving sentences less serious than those hereinbefore last mentioned, and not appealed, shall be referred by the clerk to the ministerio fiscal for consideration, and if the latter return the same concurring in the sentence imposed, the record shall immediately be returned to the trial court for execution of sentence. If the ministerio fiscal shall not concur in the sentence, the case shall be submitted to the criminal branch of the supreme court, and shall thereafter take the same course as is now provided by law when that officer shall recommend a sentence in any respect more severe than that imposed by the trial judge; and for the consideration of the court, without the necessity of a further defense or hearing, when that officer recommends a lighter sentence.

TRIALS IN JUSTICES' COURTS—APPEALS.

SEC. 51. Proceedings and actions before a justice's court must be commenced by complaint under oath setting forth the offense charged with such particulars as to time, place, person, and property as to enable the defendant to understand distinctly the character of the offense charged and to answer the complaint.

SEC. 52. Every plea before a justice of the peace must be oral and entered in the minutes.

SEC. 53. In proceedings before justices of the peace it will not be necessary to furnish the accused with a copy of the complaint unless he demand the same, nor to reduce the testimony or proceedings to writing. But each justice shall keep a docket book in which must be entered:

1. The title of the action.
2. The offense charged.
3. The date of arrest.
4. The date of trial with minute of all adjournments.
5. The plea.
6. The names and addresses of all witnesses sworn and examined.
7. The judgment of the court.
8. An itemized statement of the costs.
9. The filing of a notice of appeal, if the case be appealed.

SEC. 54. All cases appealed from a justice's court shall be tried in all respects anew in the court to which the same are appealed; but on the hearing of such appeals it shall not be necessary, unless the appeal shall involve the constitutionality or legality of a statute, that a written record of the proceedings be kept; but shall be sufficient if the appellate court keeps a docket of the proceedings in the form prescribed in the next preceding section.

EVIDENCE AND PROOF.

SEC. 55. All persons, without exception, who, having organs of sense, can perceive, and perceiving can make known their perceptions to others, may be witnesses. Therefore, neither parties nor other persons who have an interest in the event of the trial are excluded; nor are those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief; although in every case the credibility of the witness may be drawn in question by the manner in which he testifies, by the character of his testimony, by evidence affecting his character for truth, honesty, or integrity, or his motives, or by contradictory evidence.

SEC. 56. A witness must answer questions legal and pertinent to the matters at issue, though his answer may tend to establish a claim against himself; but he need not give an answer which will have a tendency to subject him to punishment for felony; nor need he give an answer which will have a direct tendency to degrade his

character, unless it be to the very fact at issue or to a fact from which the fact at issue would be presumed. But a witness must answer to the fact of his previous conviction for felony.

SEC. 57. A defendant in a criminal action shall be presumed to be innocent until the contrary is proved, and in case of a reasonable doubt that his guilt is satisfactorily shown he shall be entitled to an acquittal.

SEC. 58. Except with the consent of both, or except in cases of crime committed by one against the other, neither husband nor wife shall be a competent witness for or against the other in a criminal action or proceeding to which one or both shall be parties.

SEC. 59. In all criminal prosecutions the evidence admitted must be relevant to the fact at issue, the burden of proof of guilt shall be upon the prosecution, and the best evidence must be produced of which the case is susceptible. But copies of public records and documents, of papers lost or destroyed, and of writings properly admissible in evidence which are in the possession of the opposite party and have not been produced upon written request of the party desiring to offer them, shall be admissible in lieu of the originals.

SEC. 60. When a defendant has been held to answer for a public offense, he may upon application have witnesses conditionally examined in his behalf in manner as hereinafter shown, but not otherwise. The application must be supported by affidavit stating: (1) The name and residence of the witness and that his testimony is material to the defense of the action; (2) that the witness is about to leave the province, or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial.

SEC. 61. If the court is satisfied that the examination is necessary, an order will be made directing that the witness be examined at a specified time and place, and that a copy of the order be served on the promotor fiscal within a given time prior to that fixed for the examination. The examination will be taken before the judge ordering the same, or, if the order be granted by a court of superior jurisdiction, before an inferior tribunal to be designated in the order. The examination shall proceed, notwithstanding the absence of the promotor fiscal, if it appear that he has been duly notified of the hearing. The testimony shall be reduced to writing.

SEC. 62. When the judge of a court shall be satisfied, by proof or oath, that there is reason to believe that a material witness on the part of the prosecution will not appear and testify when required, he may order the witness to give bail in such sum as he may deem proper for such appearance. Upon refusal to give bail, the court must commit him to prison until he complies or is legally discharged. Where, however, it shall satisfactorily appear that the witness can not procure bail as directed by the order of the court, he may forthwith be conditionally examined. Such examination must be by question and answer, in the presence of the defendant, or after due notice to attend the examination has been served on him, and will be conducted in the same manner as an examination at the trial. His testimony taken, the witness must thereupon be discharged.

BAIL.

SEC. 63. All prisoners shall be bailable before conviction, except those charged with the commission of capital offenses when proof of guilt is evident or the presumption of guilt is strong.

SEC. 64. In case of appeal after judgment, the defendant may be admitted to bail pending action on the appeal: (1) As a matter of right if the appeal is from an acquittal or from a judgment imposing a fine only; (2) as a matter of judicial discretion in all other noncapital cases.

SEC. 65. If the offense is bailable, the defendant may be admitted to bail, before conviction, to answer the complaint or information in the court in which it is filed or to which it may be transferred for trial; after appeal, upon application supported by an undertaking of bail that he will pay such fine as the appellate court may direct, or will surrender himself in execution of such judgment as the appellate court may render, or that, in case the cause is remanded for a new trial, he will appear in the court to which it may be remanded and submit himself to the orders and processes thereof.

SEC. 66. When admission to bail is a matter of discretion, the court must require that reasonable notice of the hearing of the application for bail be given to the promotor fiscal.

SEC. 67. All personal bail bonds must be executed by a written undertaking executed by at least two sufficient sureties (with or without the defendant, as the court in its discretion may demand) and duly acknowledged, in substantially the following form:

"A complaint (or information) having been filed on the — day of —, 19—, in the court of —, province of —, charging (name of defendant) with the offense of (designating it generally), and he having been admitted to bail in the sum of — pesos;

"Now, therefore, we, — and —, of —, jointly and severally, hereby undertake that the above (naming the defendant) will appear and answer the charge above mentioned in whatever court it may be tried, and will at all times hold himself amenable to the orders and process of the court, and if convicted will appear for judgment, and render himself to the execution thereof; or if he fails to perform any of these conditions, that he will pay to the United States the sum of — pesos (inserting the sum to which the defendant shall be admitted to bail).

"(Signed)

"_____
"_____
"_____"

SEC. 68. The necessary qualifications of sureties to a bail bond shall be as follows:

1. Each of them must be a resident, householder, or freeholder within the islands.
2. Each must be worth the amount specified in the undertaking over and above all just debts, obligations, and property exempt from execution; but the court may allow more than two sureties to justify severally in amounts less than that expressed in the undertaking if the entire sum justified to is equivalent to the whole amount of bail demanded.

SEC. 69. The sureties must in all cases justify by affidavit taken before the magistrate, stating therein that they each possess the qualifications named in the preceding section.

SEC. 70. The court may further examine the sureties upon oath concerning their sufficiency, in such manner as it may deem proper.

SEC. 71. The defendant must be discharged by the court upon its acceptance of bail.

SEC. 72. After a defendant shall have been admitted to bail the court may, upon good cause shown, either increase or reduce the amount of the same. If increased, the defendant may be committed to custody unless he gives bail in the increased amount he is called upon to furnish. A defendant held to answer on a criminal charge, but who is released without bail on the filing of a complaint, may, at any subsequent stage of the proceedings, whenever it may satisfactorily appear to the court that he is the author of the alleged crime, be required to give bail, or in lieu thereof may be committed to prison.

SEC. 73. Bail upon appeal must conform in all respects as provided for in other cases of bail, except that the undertaking must be conditioned as prescribed in section 65.

SEC. 74. At any time after the amount of bail is fixed by order, the defendant, instead of giving bail, may deposit with the nearest collector of internal revenue the sum mentioned in the order, and, upon delivering to the court a proper certificate of the deposit, must be discharged from custody. Money thus deposited shall be applied to the payment of the fine and costs for which judgment may be given, and the surplus, if any, shall be returned to the defendant.

SEC. 75. The sureties to the bail bond may surrender the defendant at any time prior to forfeiture, or he may surrender himself and the bail be thus exonerated. An order of exoneration may be made by the court upon proof of surrender and after due notice to the promotor fiscal of the proposed issuance of the order. For the purpose of surrendering the defendant the bail may arrest him, or on written authority endorsed on a certified copy of the undertaking may cause him to be arrested by any police officer or any other person of suitable age and discretion.

SEC. 76. If without sufficient cause the defendant neglects to appear for arraignment, trial, or judgment, or neglects to appear on any other occasion when his presence may be required in court, or fails to surrender himself in execution of the judgment, the court must direct the fact of his neglect or failure to be entered in the records of the cause, and declare the undertaking or deposit, as the case may be, to be forfeited. But if at any time within thirty days thereafter the defendant or his counsel appears and satisfactorily explains the neglect or failure, the court may direct the forfeiture to be discharged upon such terms as it may consider just. If the forfeiture is not so discharged, the promotor fiscal shall at once proceed by action against the bail upon their undertaking.

WRIT OF HABEAS CORPUS.

SEC. 77. Every person unlawfully imprisoned or restrained of his liberty under any pretence whatever may prosecute a writ of habeas corpus, in order to inquire into the cause of such imprisonment or restraint.

SEC. 78. Application for the writ is made by petition, signed either by the party for whose relief it is intended, or by some person in his behalf, and must specify:

1. That the person in whose behalf the writ is applied for is imprisoned or restrained of his liberty, the place where and the officer or person by whom he is so confined or restrained, naming all parties if they are known, or describing them as fully as possible if they are unknown.

2. If the imprisonment is alleged to be illegal, in what the alleged illegality consists.

3. The petition must be verified by the oath or affirmation of the party making the application.

SEC. 79. The writ of habeas corpus may be granted by a court superior to that of justice of the peace, or a judge thereof, within the limits of the court's jurisdiction.

SEC. 80. Any court or judge authorized to grant the writ, and to whom a petition for the same is presented, must, if it appear that the writ ought to issue, grant the same without delay.

SEC. 81. When the writ is issued by a member of the supreme court, it may be made returnable before himself, or the supreme court, or before any court immediately inferior, or any judge thereof.

SEC. 82. When the writ shall be awarded it shall be in form substantially as follows:

"—, province of —:

"To (naming the person having the petitioner in charge):

"You are hereby commanded to have the body of —, by you unlawfully detained as alleged, before (the court of —, or before me, or before —, judge of —, as the case may be), at —, on the — day of —, 19— (or forthwith after being served with this writ), to be dealt with according to law; and have you then and there this writ with a return as prescribed by law.

"(Signed) — —."

SEC. 83. The writ may be served by an officer, or by any other person appointed in writing for that purpose by the court or judge by whom it is issued or allowed. If served by any person other than an officer, he shall possess the same power and is liable to the same penalty for nonperformance of duty as though he were an officer.

SEC. 84. Service of the writ shall be made by leaving the original with the person to whom it is directed and preserving a copy on which to make return of service. If that person can not be found or has not the plaintiff in custody, then the service shall be made on any other person having or exercising such custody.

SEC. 85. If the person to whom the writ is directed conceals himself or refuses admittance to the officer or person charged with the service of the writ, or if he attempts to convey wrongfully the plaintiff or petitioner out of the province after the writ has been served, the officer or other person serving the same may arrest him or any other person or persons resisting his authority, and bring him or them, together with the petitioner, forthwith before the court or judge before whom the writ is returnable.

SEC. 86. The person upon whom the writ is served must make return thereto in writing, stating therein plainly and unequivocally whether he then has, or at any time has had, the plaintiff under his control and constraint, and if so, the cause thereof. If he has transferred him he must state to whom and the time of transfer; also the reason or authority therefor. The return must be verified. If the plaintiff is detained by virtue of any written authority, a copy thereof must be annexed to the return and the original produced on the hearing.

SEC. 87. The person to whom the writ is directed must produce the body of the person in his custody or under his restraint, according to the command of the writ, except when it appears by affidavit that on account of sickness or infirmity he can not safely be brought, or where the party in restraint or custody waives the right to be present in writing or by attorney.

SEC. 88. The court or judge before whom the writ is returned must immediately after return proceed to hear the matter, and shall dispose of the prisoner as justice may determine. The court or judge shall have full power and authority to require and compel witnesses to appear and testify and to perform all other acts necessary to a full and fair hearing of the case.

SEC. 89. If no legal cause is shown for the imprisonment or a continuation of the restraint imposed upon the person, the court or judge must discharge him from the custody or restraint under which he is held.

SEC. 90. In all cases where the imprisonment is for a criminal offense or on a criminal charge, although the commitment may have been informally made or without due authority, and although the process may have been executed or the prisoner be held by a person not duly authorized, the court or judge, deciding that there is not

sufficient cause for discharge, may make a new commitment or admit to bail if the case is bailable. All material witnesses may be required to enter into bonds to appear at the proper time and place, as in other cases.

SEC. 91. No writ of habeas corpus can be disobeyed for defect of form, if it sufficiently appear therefrom in whose custody or under whose restraint the party imprisoned or restrained is held and the court or judge before whom he is to be brought.

SEC. 92. No person who has been discharged by order of a court or judge upon habeas corpus can be again imprisoned, restrained, or remanded to custody for the same cause, except in the following cases:

1. If he has been discharged from custody based on a criminal complaint, and is afterwards committed for the same offense by legal order or process.

2. If, after discharge for defect of proof or for any defect of process, warrant, or commitment in a criminal case, the prisoner is again arrested on sufficient proof and committed by legal process for the same offense.

SEC. 93. When a court or judge authorized to grant a writ of habeas corpus shall have evidence that any person within the court's jurisdiction is unjustly imprisoned or restrained of his liberty, it shall be the duty of such court or judge to issue the writ or cause the same to be issued, though no application be made therefor.

SEC. 94. Any judge, whether acting individually or as a member of a court, who shall wrongfully and wilfully refuse to issue such writ, whenever proper application for the same shall have been made, shall forfeit and pay a sum not exceeding 5,000 pesos to the party suffering from such neglect—the same to be recovered by action in any court of competent jurisdiction.

SEARCH WARRANTS.

SEC. 95. A search warrant is an order in writing, issued in the name of the United States, signed by a judge or a justice of the peace, and directed to a peace officer, commanding him to search for personal property and bring it before the court.

SEC. 96. It may be issued upon either of the following grounds:

1. When the property was stolen or embezzled.

2. When it was used or when the intent exists to use it as the means of committing a felony.

SEC. 97. A search warrant shall not issue except for probable cause and upon application supported by oath particularly describing the place to be searched and the person or thing to be seized.

SEC. 98. The judge or justice must, before issuing the warrant, examine on oath the complainant and any witnesses he may produce, and take their depositions in writing.

SEC. 99. If the judge or justice is thereupon satisfied of the existence of facts upon which the application is based, or that there is probable cause to believe that they exist, he must issue the warrant, which must be substantially in the following form:

—, Province of —.

"The United States to any — or policeman in the province of —:

"Proof, by affidavit, having this day been made before me by (naming the persons whose affidavits have been taken) that (stating the grounds of the application or, if, the affidavit is not positive, that there is probable cause for believing), that (stating the ground of the application in the same manner), you are therefore commanded, in the day time (or at any time in the day or night, as the case may be), to make immediate search on the person of —, or in the house situated — (describing it or any other place to be searched with reasonable particularity, as the case may be), for the following property (describe it with reasonable certainty): and if you find the same or any part thereof, to bring it forthwith before me at —.

"Witness my hand this — day of —, 19—.

"Signed — —."

SEC. 100. The officer, if refused admittance to the place of directed search after giving notice of his purpose and authority, may break open any outer or inner door or window of a house or any part of a house or anything therein to execute the warrant or to liberate himself or any person lawfully aiding him when unlawfully detained therein. No search of a vacant house shall be made except in the presence of at least two competent witnesses, residents of the neighborhood.

SEC. 101. The warrant must direct that it be served in the daytime, unless the affidavit positively asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day or night.

Sec. 102. A search warrant shall be valid for ten days from its date. Thereafter it shall be void.

Sec. 103. The officer seizing property under the warrant must give a detailed receipt for the same to the person on whom or in whose possession it was found, or in the absence of any person must, in the presence of at least two witnesses, leave a receipt in the place in which he found the seized property.

Sec. 104. The officer must forthwith deliver the property to the court, together with a true inventory thereof, duly verified by oath.

Sec. 105. A person charged with a crime may be searched for dangerous weapons or anything which may be used as proof of the commission of the crime.

Sec. 106. Any person who shall procure a search warrant maliciously and without probable cause, and any officer who shall unlawfully exceed his authority or use unnecessary severity in executing the same, shall be punished by imprisonment for not more than one year, or by a fine of not exceeding 1,000 pesos, or by both such fine and imprisonment.

RIGHTS OF PERSONS INJURED BY THE OFFENSE.

Sec. 107. The privileges now secured by law to the person claiming to be injured by the commission of an offense to take part in the prosecution of the offense and to recover damages for the injury sustained by reason of the same shall not be held to be abridged by the provisions of this order; but such person may appear and shall be heard, either individually or by attorney, at all stages of the case, and the court, upon conviction of the accused, may enter judgment against him for the damages occasioned by his wrongful act. It shall, however, be the duty of the promotor fiscal to direct the prosecution, subject to the right of the person injured to appeal from any decision of the court denying him a legal right.

MISCELLANEOUS AND TRANSITORY PROVISIONS.

Sec. 108. The criminal jurisdiction of justices of the peace is extended to all offenses which the penal code designates as punishable by "arresto mayor" in all of its grades.

Sec. 109. From and after the day upon which this order shall go into effect the ordinary civil and military tribunals, each within its proper limits, shall have exclusive jurisdiction over all crimes and misdemeanors with which any person or persons living or domiciled within the Philippine Islands may be charged.

Sec. 110. All criminal actions in which, prior to the 15th day of May, 1900, the defense shall not have been entered upon, shall be commenced anew and thereafter prosecuted as hereinbefore provided; all in which the defense shall have been entered upon prior to that date shall be prosecuted to a conclusion from the stage then reached under the late prevailing rules of procedure, which, however, shall be made to conform as nearly as may be practicable to the provisions of this order.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

Most of the courts of the first instance have conducted their business in an eminently satisfactory manner and given support to United States authority. Laxity in some cases has been charged and has been properly dealt with by the chief justice of the islands, whose criticisms and directions all respect. The appointee to the Cavite province court is a Spaniard by parentage, though Filipino born. He was strongly recommended for appointment, and I judged when the appointing order was issued that complaint would be received. Expectations were realized, and numerous signed protests came from the residents of the most important towns of the provinces, based entirely on the fact that the new judge was of Spanish blood. The protestants were informed that he was a Filipino by birth, having the reputation of a good lawyer and the character of a most excellent citizen, and that no complaints would be favorably considered unless they concerned action committed subsequent to his selection for the bench. He zealously entered upon his duties and so performed them that he soon became a popular and very much admired person and official.

Until the civil judiciary was reestablished all civil matters, whether public or individual, requiring judicial action were virtually held in abeyance, unless they could be determined without apparent prejudice to conflicting interests by the military authorities; for, although the proclamation of General Merritt of August 14, 1898, continued in force the local Spanish civil tribunals, little subsequent attention was paid by the officers of that Government to judicial matters, whether pending or newly arising. All criminal cases could be handled by our military courts. A general directory order was issued shortly after Manila was occupied by our troops defining the constitution and limits of legally recognized courts and commissions for the trial of citizen offenders residing within the lines of military occupation, and served as a basis of instruction respecting jurisdiction and quantity of punishment which might be imposed, for the many courts of that character which were thereafter established in the different sections of the islands. The following is the order referred to:

GENERAL ORDERS, }
No. 8. }

HEADQUARTERS DEPARTMENT OF THE PACIFIC
AND EIGHTH ARMY CORPS,
Manila, P. I., August 22, 1898.

I. For the maintenance of law and order in those portions of the Philippines occupied or controlled by the Army of the United States and to provide means to promptly punish infractions of the same, military commissions and provost courts, composed and constituted in accordance with the laws of war, will be appointed from time to time as occasion may require.

II. The local courts, continued in force for certain purposes in proclamation from these headquarters, dated August 14, 1898, shall not exercise jurisdiction over any crime or offense committed by any person belonging to the Army of the United States, or any retainer of the Army, or person serving with it, or any person furnishing or transporting supplies for the Army, nor over any crime or offense committed on either of the same by any inhabitant or temporary resident of said territory. In such cases, except when courts-martial have jurisdiction, jurisdiction to try and punish is vested in military commissions and the provost court as hereinafter set forth.

III. The crimes and offenses triable by military commissions are murder, manslaughter, assault and battery with intent to kill, robbery, rape, assault and battery with intent to commit rape, and such other crimes, offenses, or violations of the laws of war as may be referred to it for trial by the commanding general. The punishment awarded by military commission shall conform, as far as possible, to the laws of the United States, or of either of the States, or the custom of war. Its sentence is subject to the approval of the commanding general.

IV. The provost court has jurisdiction to try all other crimes and offenses referred to in Section II of this order, not exclusively triable by courts-martial or military commission, including violation of orders or laws of war, and such cases as may be referred to it by the commanding general. It shall have power to punish with confinement, with or without hard labor, for not more than six months, or with fine not exceeding \$250 or both. Its sentence does not require the approval of the commanding general, but may be mitigated or remitted by him.

V. The judge of the provost court will be appointed by the commanding general. When in the opinion of the provost court its power of punishment is inadequate, it shall certify the case to the commanding general for his consideration and action.

By command of Major-General Merritt:

J. B. BABCOCK, *Adjutant-General.*

Both a superior and an inferior provost court were established in Manila, with jurisdiction defined as to classes of cases which might be tried by them respectively, and prescribing the nature and limits of penalties which each might impose.

The provost court followed the progress of our arms in the different islands, and, until some time after municipal governments were formed, all fines collected were paid to the custodian of the public island funds, who was directed to keep a separate account of the same.

With the appointment of military governors over certain defined sections of the Philippine territory, those officers were instructed on December 24, 1899—

I. Until such time as civil courts are established in the various provinces of the archipelago and are in the exercise of their proper jurisdiction, military governors designated for said provinces will establish at convenient points within the limits of their command provost courts, designating for each a suitable officer of the Army as provost judge.

II. The provost courts thus established are authorized to punish by imprisonment, with or without hard labor, for a period not exceeding one year, or by a fine not exceeding \$1,000 Mexican, or by both such imprisonment and fine.

III. The jurisdiction of said provost courts shall extend to all crimes and offenses not capital, and all violations of military orders and regulations committed by inhabitants or temporary residents, and not triable by courts-martial, which may be referred to them for trial by the commanding officer at the places where they are established. The punishment adjudged shall be at the discretion of said courts within the limits of their jurisdiction as to punishment as herein established. In the matter of their procedure they will conform to that of the summary court, the respective judges rendering, on the last day of each month, transcripts of all cases tried by them during the month, and transmitting the same through military channels to this office.

IV. Sentences adjudged by provost courts do not require the approval of commanding officers, but may be mitigated or remitted by them.

The commanding generals of the First and Second Divisions of the Eighth Army Corps were authorized to execute these same special powers within the territory over which they exercised military supervision. But it was found necessary in some instances, prior to the establishment of a civil judiciary, to confer on the provost courts a certain jurisdiction in civil matters, that the business of cities might be transacted. The orders set out on page 255 of this report show the action taken.

The business transacted by these provost courts was large and very satisfactorily performed. They gradually yielded to the civil tribunals when established, but in connection with the embryo municipal governments they were of decided importance in assisting the various provost-marshals appointed to supervise town affairs in meting out proper punishment to disturbers of the peace. All moneys collected by them were finally applied for the benefit of the towns, under the following instructions issued from the military governor's office:

In future, fines adjudged by provost courts outside of the city of Manila will be paid to the provost-marshal of the place where the court may be sitting, and will be expended by the provost-marshal, in connection with the local presidente and alcalde, for proper municipal purposes.

The provost-marshal will on the last day of each month make a report to these headquarters, through department headquarters, of the amount of such moneys received as fines by provost courts, together with a statement of the amount of said fines expended and for what purposes.

In establishing United States authority throughout Luzon the work of military commissions was increased. Prior to the fall of 1899 upon only two occasions were they invoked, and then to determine offenses charged against Spanish officials continued in office after our occupation and against the editor of a Manila Spanish newspaper. These cases have been heretofore fully reported. Now the criminal element of a large extent of country must be restrained, and as the limited jurisdiction of the civil courts, which Spain never permitted to try alleged heinous crimes participated in by a combination of individuals and tending to the destruction of the peace of communities, but reserved them for her military tribunals, and as that jurisdiction had not been

extended to include that class of cases, the action of military commissions was forced. Strange as it may appear, this limited jurisdiction was approved by the justices of those courts, for, as they represented, crimes of the character withheld from their determination demanded speedy trial and prompt punishment, which the established court practice could defeat. A case of robbery and murder of one of our soldiers in Cavite province occupied the time of a military commission for several weeks, but the accused person was dexterously defended and escaped. Two noted native criminals were tried at Bayambang, in the province of Pangasinan, and three at Tarlac, in the province of Tarlac. After prolonged and exhaustive hearings, in which they had the benefit of able counsel, all were convicted; four were sentenced to be hanged and one to imprisonment for twenty years. The sentences were duly executed with a considerable degree of public formality. The two Pangasinan criminals were jointly charged with murder under three and with robbery under two specifications, and were found substantially guilty of all upon the testimony of the native inhabitants. The sentence of the commission and the remarks of the reviewing authority were expressed in the following words and figures, to wit:

SENTENCE.

And the commission does therefore sentence them, Antonio Morales and Faustino Gonzales, natives, and each of them, to be hung by the neck until they, and each of them, be dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein.

II. The proceedings and findings in the foregoing case of Antonio Morales and Faustino Gonzales, natives, are approved.

The record discloses that the accused were furnished counsel by the Government, and were accorded in all respects a fair and impartial trial. The testimony of many witnesses, called at their instance, was heard, and the accused themselves made statements to the commission.

The evidence abundantly establishes the allegations of the charges, with unimportant exceptions which have been duly recorded, and reveals the accused as leaders of a band of armed native outlaws engaged in the commission of crimes against fellow natives of the islands under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization. No circumstance was developed upon the trial which even suggests clemency, and the commanding general is of the opinion that the extreme penalty of the law adjudged by the commission must be confirmed.

The sentences are approved, and will be duly executed at the pueblo of San Carlos, province of Pangasinan, P. I., March 30, 1900, under the direction of the commanding general Second Division, Eighth Army Corps.

In the Tarlac cases the three accused were jointly tried under four specifications for murder and four charging robbery, all of which were substantially proven. The commission imposed the following sentence:

And the commission does therefore sentence Joaquin Pider and Pascual Gutierrez, natives, and each of them, to be hanged by the neck until each of them be dead, at such place and time as the reviewing authority may direct, two-thirds of the members concurring therein; and Silvestre Tarug, native, to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years.

The reviewing authority approved the proceedings, and directed the execution of the sentences in the following orders:

In the foregoing case of Silvestre Tarug, Joaquin Pider, and Pascual Gutierrez, natives, the evidence shows that these three accused, with a band of Negritos, armed with a rifle, bolos, and bows and arrows, entered the barrio of Dayacadac, pueblo of O'Donnell, province of Tarlac, P. I., on or about February 16, 1900, and murdered seven natives, including one woman. The established motive of these crimes was robbery. The two accused who have received sentences of death, Joaquin Pider

and Pascual Gutierrez, are shown by the evidence to have tied up two of the victims of this murderous assault, and, compelling them to lie on the ground, chopped them with bolos, in this way causing their death. The third accused, Silvestre Tarug, who has received sentence of imprisonment for twenty years, is shown to have been present with this band, aiding and abetting these murders.

The remarks of the reviewing authority in the case of Antonio Morales and Faustino Gonzales, published in General Orders, No. 16, March 8, 1900, Department of the Pacific and Eighth Army Corps, apply in this case. The crimes alleged were committed by a band of native outlaws against fellow natives and under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization.

The sentences are approved. The sentences of death by hanging, awarded Joaquin Pider and Pascual Gutierrez, will be duly executed at the pueblo of O'Donnell, province of Tarlac, P. I., on April 27, 1900, under the direction of the commanding general of the Department of Northern Luzon. The sentence of confinement, awarded Silvestre Tarug, will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

A military commission, convened at Calamba, Laguna, Province of Luzon, tried three natives separately for the murder of one of our soldiers, the natives being members of a band of guerillas which had concealed itself in that section of country. All were sentenced to suffer death by hanging. These several sentences were commuted to twenty years' imprisonment because of conditions stated upon review of the cases, as follows:

In the foregoing case of Raimondo Hernandez, the findings of the commission are fully sustained by the evidence of record, and the death sentence imposed by it has the express sanction of the laws of war. The reviewing authority, however, is unwilling to direct the execution of the sentence awarded, believing that the accused was influenced to commit the crimes of which he stands convicted by local guerrilla chiefs, who are the principal criminals in the affair, and that he was ignorant of the legal consequences to himself attendant upon conviction therefor.

The sentence is confirmed, but is commuted to imprisonment at hard labor for twenty years at the Presidio de Manila, to which point the prisoner will be sent under proper guard.

The clemency herein exercised will not be considered as a precedent to guide or influence the future action of the reviewing authority upon proceedings of military commissions in cases of such gravity as the present one, and the occasion is taken to announce that in the judicial determination of questions of guilt which involves responsibility for the unlawful taking of human life the full rigor of the law will be inflicted when rightfully invoked by legally constituted courts.

The foregoing are the more important of a number of criminal cases referred to military commissions for trial. Doubtless such proceedings will be quite frequent in the immediate future until the country is in a fair state of pacification, and until jurisdiction is conferred on the civil courts to determine this class of cases.

To effect proper adjudication in matters of maritime prizes and captures resort was had to military boards. The United States never contemplated that the use of its maritime or prize courts would ever be needed beyond its old territorial boundaries. Unfriendly vessels captured by the Navy in Philippine waters were turned over at Manila or one of the open Philippine ports to the military authorities. They comprised vessels engaged in contraband trade, those engaged in defrauding the public revenues, and those believed to be the property of the enemy. Four small coasting vessels were seized and received at Manila, and boards, each consisting of four commissioned officers, were duly assembled to recommend what Government action should be taken with regard to them. These boards were directed to investigate and determine "fully the facts connected with the submitted charges," to report their opinions or conclusions of law bearing upon the facts, together with recommendations as to final disposition. They were

instructed to accord a fair hearing to all parties interested and were empowered to administer oaths to witnesses brought before them. Three of the vessels were condemned and sold at public auction, the proceeds of sale being covered into the Treasury. The fourth vessel was returned to the owner. In the majority of seizures these quasi judicial proceedings were not resorted to, but fines were at once imposed where irregularities were discovered, differing in amounts according to the gravity of the offenses.

A determination of the validity and nature of claims made against the government, by private parties, for damages alleged to have been suffered by reason of the act of the United States or its servants, gave the board called on April 18, 1899, for their consideration much exacting labor. In my last report I remarked that—

Sixty-four claims aggregating \$605,000, Mexican, were received from residents of southern Luzon. * * * Twenty-five claims aggregating \$1,338,116, Mexican, have been received from Iloilo. They are defectively and carelessly drawn and very indefinite as to detail. * * * All but two of these claimants are subjects of foreign countries. * * * The destruction of private property as a necessary incident of war in driving the insurgents out from defensive positions is the question involved in most of these demands.

In April, 1899, the board asked that all claimants be directed to prepare and submit their claims in accordance with certain regulations which it recommended, and which obliged a claimant to present all facts upon which he relied to constitute the validity of his demand. This was done, and thereafter the board was enabled to proceed in its work of examination with more celerity. Its conclusions on the various demands made, though approved by the military governor, have not been considered final, but the report of its proceedings on each and every case is very full, and will enable any reviewing authority to pass quickly upon the merits. These reports, soon after completion, have been forwarded to Washington, to which point doubtless many of the interested parties will ultimately prefer their requests for money compensation. To May 1 165 claims had been submitted to the board. It had reported on 40 of them, and 85 awaited its consideration. Forty had been returned to claimants, either upon their submitted request to withdraw the same or for the necessary revision to make them comply with regulations governing the methods of preparation. The total aggregate of the claims submitted is nearly \$2,000,000, Mexican.

The board of officers called on January 31, 1899, to meet and confer with a committee appointed by the acting Spanish governor-general of the Philippines for the purpose of adjusting the affairs of the Spanish Government in the islands, and which was directed to determine a definite course of procedure whereby that committee could have access to all records and documents then in possession of United States officials it might desire to consult, entered promptly upon its labors. When called it was instructed that "No property or records can be delivered until the proposed treaty (Paris treaty meant) received validity through ratification, and the board will continue its sessions anticipating that event, when definite instructions looking to a settlement of public affairs, judicial and executive, can be conveyed." The original members of the board were Colonel McClure, chief paymaster of the department and corps, Major Gantenbein, of the Second Oregon, and Lieutenant Hildreth, of the First North Dakota Volunteers.

The exacting work required of it made an increase in membership necessary, and on April 4 the following directions were issued:

Lieut. Col. J. A. Hull, judge-advocate, United States Volunteers, Lieut. Col. J. D. Miley, inspector-general, United States Volunteers, and Capt. John G. Ballance, Twenty-Second United States Infantry, are detailed as additional members of the board of officers called in paragraph 4, Special Orders, No. 31, of January 31 last, from these headquarters, to meet a Spanish commission appointed to bring to a settlement the affairs of Spain in the Philippines and to adjust with that commission all matters connected with those affairs in so far as the interests of the United States Government are concerned.

On April 23, 1899, Captain Ballance was relieved from further service on the board, at his own request, in order to enable him to join his regiment in the field and take command of one of its battalions.

On June 8, and at a shortly subsequent date, Major Gantenbein and Lieutenant Hildreth were relieved from duty therewith that they might accompany the volunteer regiments of which they were members to the United States, and on June 28 Colonel McClure was withdrawn, his duties as chief paymaster of the department demanding it. Concerning this board I remarked in my prior report:

All of the original members were sooner or later relieved and substitution made, Lieutenant-Colonel Miley taking the place of Colonel McClure, and the former, an officer of very marked ability, who died in September, was succeeded by Lieutenant-Colonel Hull, of the Judge-Advocate's Department [as president], through resulting seniority. The duties of the board are approaching completion, and probably it can be dissolved soon. It was found necessary to give it broad latitude of action, and on April 22 it was empowered to administer oaths and take testimony in matters over which it was authorized to exercise jurisdiction, either by way of investigation or arbitrament.

The mass of work it has accomplished in effecting the settlement of property rights between Spain and our own Government under the Paris treaty in turning over to the former such public property and delivering to her that portion of the Philippine records which have been heaped up in the public archives during the past three hundred years, as she was entitled to receive under the stipulations of the treaty, can be only approximately estimated when the efforts of the Spanish committee of liquidation to obtain possession of all property possible under its unadmitted construction of treaty agreements, the wide extent of territory over which the property was scattered, and the war conditions which prevailed throughout the islands during the period of settlement, are taken into consideration. Both the United States and Spanish boards were represented by able counsel, the former by a Filipino lawyer of ripe practical experience in Philippine public affairs. The correspondence to which the business gave rise was voluminous, and the many special decisions rendered to meet constantly recurring questions involving title to certain public moneys, property, and documents, and to fix the constitution of claims of individuals who looked to the seized funds in the public treasury from which to obtain payment, were very frequent.

This Spanish "committee of liquidation," so termed, took cognizance of strictly civil matters only. Spain looked to the senior officers of her army and navy quartered in Manila to effect the proper adjustment of affairs pertaining to those two branches of her executive departments. Our board, therefore, in its settlement with Spain, had to treat with three of her commissions, each of which was separate and independent of the others, and after provisional military recogni-

tion was granted to her newly arriving consular representative, virtually with four. Members of her army held by the insurgents as prisoners of war whom we released, and her army property, were delivered to the resident general officer of her army; her naval prisoners and property were delivered to the senior naval officer present; while all Spanish officers of a civil character whom we rescued from the insurgents, and all property of her former civil departments in our possession to which she was entitled, were turned over to the "committee of liquidation." These different and independent sources of Spanish official action made the labors of our board and the business connected with it much more onerous.

We had returned to Spain all Spanish prisoners of war surrendered on the capitulation of Manila. Shortly thereafter those escaping and rescued from the insurgents began to arrive in the city, and their representatives contended that by the sixth article of the Paris treaty the United States was obligated to return them at its expense to their homes in the Peninsula. The argument advanced was that such of these prisoners as were released through our efforts, but not those escaping without our aid, were entitled to this transportation, because the United States had promised in the treaty to transport at its own cost "prisoners released or caused to be released," etc. The substance of the reply made to this demand was that the United States obligated itself to use its good offices to secure from the insurgents, then the rebellious subjects of Spain, with whom she was at peace, the release of Spaniards held by them in captivity and to return to Spain those whose release she could thus secure; that she never promised to fight to release them, nor was hostility with those Spanish subjects anticipated when the treaty was entered into; that certainly as she was not obligated to fight for them and was not holden for home transportation in case of their escape into our military lines, she could not be made responsible for such transportation if she liberated them as an incident of war, kindly subsisting and forwarding them to Manila; that if the argument of the representatives of Spain was tenable, the interests of the United States dictated that she make no special effort to secure them, but leave them to escape as best they might.

However, the very liberal policy which the United States had previously practiced in all of its dealings with Spain was continued, and these prisoners, to the number of about 5,000, were shipped to Barcelona at United States expense by our Quartermaster's Department. This number included not only the members of Spain's army and navy, but also the released captives who exercised public civil functions at the time they were captured by the insurgents, even extending to members of the religious orders, who, in the islands, combined public lay duties with those pertaining to the established church.

Nearly all business connected with the Philippine exchange of sovereignty, in so far as concerned delivery of records and property, was concluded prior to April 1. The Spanish army authorities called for the return of ordnance (especially the many pieces of artillery) which they had lost to the insurgents and had been captured from the latter by our troops. That portion of it asked for which had been taken in Luzon, in Panay, and in southern Mindanao had already been returned. That seized by us later was made the subject of request for surrender, and the request was still pending the early part of May. A question, too, involving the ownership of a partly constructed railway and a

considerable quantity of railway material stored at Iligan, Mindanao, the shore terminus of the road, was under consideration. Spain claimed that all expenditures connected with this road and material were drawn from its army funds and hence should be surrendered under the treaty agreements. The United States military government contended that the property by the Spanish law was realty, and not the subject of surrender any more than the forts and arsenals. What later action has been taken in the matter I am not informed. As stated on page 225 of this report, the Spanish authorities had sold the railroad and material to a private party, but its removal by the purchaser had not been permitted. Under United States law the road might be held as realty, but the unused material as personalty and given up.

In compliance with the general instructions received from Washington to extend to the Filipino people all measures of individual liberty possible, and the exercise of such political privileges as they could safely be entrusted with, thus preparing them to take supervision of their public affairs and conduct self-government, military control was relaxed and released in many particulars, and as rapidly as existing circumstances warranted. The civil courts were reestablished and their criminal jurisdiction extended beyond the limits which Spain had permitted, that individual liberty might be secured. Spain's government in the islands, commonly supposed to be to a considerable extent civil in character, was in fact not far removed from a military despotism. Nearly all territory was placed under the immediate authority of army or navy officers, who forced from the inhabitants compliance with decrees and military orders by their troops or military police. The nineteen civil provinces of Luzon enjoyed civil government in name only, and their inhabitants had no greater individual privileges than those accorded to the people dwelling within the many military provinces of that island. Now, by the amendments of former Spanish rules which had been introduced, the inhabitant who was charged with a criminal misdemeanor was entitled to a fair and open trial on written complaint or information, to be confronted by his accusers, to the writ of habeas corpus, to be admitted to bail, to the privilege of appeal, to be assigned counsel, to be considered innocent until legally declared guilty—the same as one of the most favored citizens of the United States. It remained to give him such political functions or privileges as he was capable of exercising. To what extent they could be granted depended upon his intelligence, integrity, and wishes.

Another preliminary and very important consideration was to determine what particular form of government was best suited for towns and cities and possibly for provinces, their condition and the practices and tendencies of the inhabitants being considered. The native who possessed property, or who had taken any part or interest in the general affairs of the barrio in which he was domiciled, had some practical knowledge of municipal matters and the manner in which they had been conducted. The Spanish municipal governments were to a certain extent a development of the former family, clan, or tribal village customs, although, by a burdensome taxation which the general government imposed upon industries of every character, they failed to satisfy the people. But the people knew nothing else, and had no conception of civil liberty in the abstract, in so far as their individual

rights and the duties they owed to the State were concerned, as was quite satisfactorily shown by the labors of Mabini, Aguinaldo's chief adviser, in his efforts to introduce municipal reforms. They, too, were politically corrupt, however honest their intentions in private business dealings, and office was valued more for the illegal pecuniary gains to be derived from it than on account of the personal prominence it conferred. The question presented in creating municipal governments was whether those of the character or those having the main attributes of the formerly existing ones could be so constructed as to be susceptible of expansion in the proper direction. The people understood and desired them, and the municipio must be the basis whereon to build the fabric of a general centralized government which would insure the liberty of the citizens and the welfare of the subjects.

As a temporary measure we had established simple local governments, under military supervisory restrictions, in the towns and cities of the several provinces of the islands, with the exception of Manila, very soon after our troops occupied them, adopting the forms and the principal sources of revenue for strictly municipal support which were in vogue under Spanish domination. The order directing this was published on August 8, 1899, and required the senior officer present with the troops to put its provisions in force, the last of which recited that those provisions were "tentative in character and subject to amendment by enlargement or curtailment as special conditions or developments may make necessary." The order merely announced a crude plan by which the essential forms of a municipal government might be exercised and revenue obtained for the purpose—all under the supervisory charge of the senior military officer present. The plan worked fairly well, under the conditions then prevailing, in preserving the peace of communities, in punishing criminals, in furnishing money for the enforcement of sanitary measures, and the establishment of a few primary schools. But for the larger towns it was little else than an adjunct in military control, although the inhabitants had a voice (subject to military veto) in the election of their agents, by whom the plan was carried out.

It was now proposed to give the people enlarged privileges in the management of their local affairs, to bestow upon them as much authority as it was believed they could exercise properly and as the safety of the established government would permit. An intimate practical knowledge of their capacities, virtues, iniquities, and political tendencies was essential to formulate wisely, and this no one connected with the army possessed. The advice and assistance of Chief Justice Arellano and Attorney-General Torres, men who thoroughly understood native character and knew Philippine social conditions by intuitive perception and lifelong association, was requested. They consented to serve as members of a board to be called to take the subject under consideration, and the following orders were issued:

GENERAL ORDERS, }
No. 18, }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., January 29, 1900.

It being necessary and expedient at the present time to develop the abridged form of municipal government announced in General Orders, No. 43, of August 8 last, from the Headquarters of the Department of the Pacific and Eighth Army Corps, and prescribed to meet the temporary requirements of towns of the Philippines which should be rescued from the control of armed insurgents, a labor which under present cir-

cumstances requires careful consideration and mature deliberation, and in which the chief justice of the supreme court and the attorney-general of the islands have, upon request, consented to render assistance, a board is hereby called to take the subject under advisement and deliberation and to formulate and report as soon as practicable a plan of municipal government which shall contain all necessary features to meet requirements and which shall be as liberal in character as existing conditions permit.

Detail for the board: His honor, Cayetano Arellano, president of the audiencia; the Hon. Don Florentino Torres, attorney-general of the islands; Lieut. Col. E. H. Crowder, Thirty-ninth Infantry, associate justice of the civil branch of the audiencia; Hon. R. W. Young, associate justice of the criminal branch of the audiencia; Lieut. Col. T. R. Hamer, Thirty-seventh Infantry, associate justice of the criminal branch of the audiencia.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

The board labored earnestly for two months and the results of its labors are contained in orders promulgated on March 29, 1900, which are set out below in their entirety.

GENERAL ORDERS, }
No. 40.

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 29, 1900.

The board of which his honor Don Cayetano Arellano, chief justice of the Philippines, is president, and which was called in General Orders, No. 18, of January 29 last, from this office to submit a form of municipal government for such of the municipalities of the islands as are prepared to adopt representative control over their own civil affairs, and which may become applicable to others as soon as they demonstrate a fitness for self-administration, having reported a plan of government which meets existing conditions, the same is approved and will receive practical application in accordance with the mode of procedure therein outlined.

It is with great satisfaction that the United States authorities, in consonance with former promises, promulgates in this order the law by which the municipalities of the towns of the Philippines are to be established and governed in the future. The law is inspired by a genuinely liberal spirit and the principles of autonomous government. It is in itself educating. It is calculated to urge on the people in the path of true progress, if they are desirous to understand their duties as free citizens and make legitimate use of their privileges.

For the first time the Philippine people are to exercise the right of suffrage in the election of municipal officers—a right only slightly restricted by conditions which have been imposed for the purpose of rewarding as well as encouraging the people in their just and natural aspirations to become educated, and worthy to enjoy all the benefits of civilization.

With the new municipalities, a really autonomous and decentralized municipal government will be established in the towns, since no provincial assembly is created in the capitals of the provinces or districts, and each municipality is the legitimate administrator of the interests of its town, and will keep, preserve and expend for the public welfare the municipal funds. The intervention which has been bestowed upon the governors of provinces, or the supreme island authorities, is in the interest of the towns themselves, as well as of the country in general, because supervision and watchfulness are always indispensable to prevent transgressions of the law, and the harm consequent upon a noncompliance with its precepts. It will be noted also that the ample powers given the alcalde (the representative of the executive power) to punish and repress misdemeanors and infringements of a governmental or administrative character, provide that before a penalty or correction can be applied the accused must be heard, and allowed to submit evidence in his behalf—a proceeding heretofore unknown in these islands.

A reading of the provisions of the law clearly demonstrates the purposes, tendencies, and beneficent intentions of the United States Government. Naturally, it is impossible to frame legal provisions which are perfect, but these are susceptible of future improvement in order that they may meet future necessities and keep pace with the development in political knowledge of the Philippine people, with whom now rests the creation of municipalities which shall faithfully administer their interests and protect their rights and liberties. Their action is limited by the law solely by a desire to establish prudential measures for the common welfare, such as appear

to be necessary to secure the prosperity and the moral and material advancement of the country. And if, notwithstanding the prudent foresight of the United States Government as herein expressed, errors should occur and abuses should be committed by the municipalities in the management of their interests the abuses will be strongly repressed in accordance with the penal law, and responsibility for errors committed must be charged to the electors, who, it is to be hoped, after having seen that they have chosen incompetent or unworthy officers, will endeavor to exercise the elective franchise more wisely in the future. By such a course of action they will demonstrate that they possess the qualifications necessary to free citizenship; that they have a clear idea of their rights and liberties; that they know how to guard their common interests, and that they honestly desire the progress and happiness of the country.

The following are the provisions of law (subdivided into chapters and articles) which have been determined upon and which will be carried into execution as rapidly as practicable:

CHAPTER ONE.

DEFINITION AND CLASSIFICATION.

ARTICLE 1. The towns of the Philippine Islands shall be recognized as municipal corporations, with the same limits as heretofore established, upon reorganizing under the provisions of this order.

All property vested in any town under its former organization shall be vested in the same town upon becoming incorporated hereunder.

ART. 2. Towns so incorporated shall be designated as "municipios," and shall be known respectively by the names heretofore adopted. Under such names they may, without further authority, sue and be sued, contract and be contracted with, acquire and hold real and personal property for the general interest of the town, and exercise all the powers hereinafter conferred.

The city of Manila is exempt from the provisions of this order.

ART. 3. The municipal government of each town is hereby vested in an alcalde and a municipal council. The alcalde and councilors, together with the municipal lieutenant, shall be chosen at large by the qualified electors of the town, and their term of office shall be for two years from and after the first Monday in January next after their election and until their successors are duly chosen and qualified: *Provided*, That the alcalde and municipal lieutenant elected in 1900 shall hold office until the first Monday in January, 1902, only; and that the councilors elected in 1900 shall divide themselves by lot into two classes; the seats of those of the first class shall be vacated on the first Monday of January, 1901, and those of the second class one year thereafter, so that one-half of the municipal council shall be chosen annually.

ART. 4. Incorporated towns shall be of four classes, according to the number of inhabitants. Towns of the first class shall be those which contain not less than 25,000 inhabitants, and shall have eighteen councilors; of the second class, those containing 18,000 and less than 25,000 inhabitants, and shall have fourteen councilors; of the third class, those containing 10,000 and less than 18,000 inhabitants, and shall have ten councilors; of the fourth class, those containing less than 10,000 inhabitants and shall have eight councilors. Towns of less than 2,000 inhabitants may incorporate under the provisions of this order, or may, upon petition to the provincial governor, signed by a majority of the qualified electors thereof, be attached as a *barrio* to an adjacent and incorporated town, if the council of the latter consents.

CHAPTER TWO.

ELECTIONS.

ART. 5. The electors charged with the duty of choosing elective municipal officers must be male persons, 23 years of age or over, who have had a legal residence in the town in which they exercise the suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power, and who are comprised within one of the following three classes:

1. Those who, prior to the 13th of August, 1898, held the office of municipal captain, *gobernadorcillo*, lieutenant, or *cabeza de Barangay*.

2. Those who annually pay 30 pesos or more of the established taxes.

3. Those who speak, read, and write English or Spanish.

ART. 6. Each elector shall, before casting his ballot, take and subscribe the following elector's oath, which shall be administered by the municipal secretary.

Elector's oath.

I, ———, do solemnly swear (or affirm) that I am a male resident of the town of ——— in the ———; and shall have resided therein for the period of six months next preceding the next municipal election; that at the date of such election I shall be ——— years of age; that I am not a subject or citizen of any foreign power; that I, ———, and in all respects shall be entitled to vote therein at the next election for municipal officers; furthermore, that I recognize and accept the supreme authority of the United States of America, and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion, so help me God.

[Signature of the elector.]

Subscribed and sworn to (or affirmed) before me this ——— day of ———, 1900.

[Signature of municipal secretary.]

ART. 7. The following persons, although they may possess the qualifications required in article 5, shall be disqualified from voting: Defendants in criminal cases pending trial; those who have been gubernatively corrected three or more times for misconduct; those who have been subjected to corporal punishment or disqualification; those who are subject to civil interdiction or to the vigilance of the authorities through sentence of a court of justice; debtors to any municipal, provincial or treasury fund; those who have contracts with the municipal council to be finished within the municipal term; those who have a suit with the municipality to which they belong; and insane and feeble-minded persons.

ART. 8. General municipal elections (except the first, for which special provision is hereinafter made) shall be held on the first Tuesday in December of each year, and the officers elected thereat shall enter upon their duties on the first Monday of January following. In order to provide properly for municipal elections, the alcalde, during the first five days of the month next preceding the month in which any general election is to be held, shall prepare and cause to be posted a proclamation in triplicate, specifying the place where and the hours during which the election shall be held, and notifying all persons qualified as electors to appear before the municipal secretary during the first fifteen days of the month in which the proclamation is dated, for the purpose of taking the elector's oath. It shall be the duty of the secretary, and he is empowered to administer the oaths, but without fee. One of the copies of the proclamation shall be posted at the door of the municipal building, and the other two at other public and conspicuous places within the town. Between the 15th and 20th days of the month the alcalde shall prepare from the oaths thus taken in duplicate, and cause to be posted, as hereinbefore prescribed, the lists of the qualified electors, alphabetically arranged according to surnames, and shall accompany such lists with a notice specifying a term of five days prior to the election, in which any qualified elector may demand his enrollment in said list, or the exclusion therefrom of the name of any person not having the right to vote, which demand shall be made to the alcalde, and shall be determined by the alcalde, the municipal lieutenant, and the attorney sitting as a board for the purpose.

Special elections shall be held on the fourth Tuesday succeeding the call for the same; the calling and holding of such elections shall conform in all respects, as nearly as may be, to the requirements of this order.

ART. 9. Municipal elections shall be held in the house of the municipality, and shall be presided over by a board of election judges consisting of three qualified electors not holding municipal office nor being candidates therefor, who, together with two tellers, possessing like qualifications, shall be designated in writing prior to the day of election, by a majority vote of a board consisting of those members of the municipal council who have the longest unexpired terms of office. The senior member of the board of judges shall act as its chairman. In case of the absence at the election of any member of the board of judges or of a teller, or their disqualification at any stage of the election, the vacancy or vacancies shall be immediately filled by a majority vote of the entire number of the remaining election judges and tellers.

ART. 10. The election shall be by secret ballot; each ballot shall contain the names of the persons voted for and the offices for which they are respectively proposed. No person shall be deemed elected to any office unless he shall have received a plurality of the votes cast for said office.

ART. 11. Immediately after the close of the election, the ballots shall be canvassed by the board and a certificate of the result of the polling shall be prepared in duplicate and signed by the members of the board and by the tellers. Duplicates containing the additional statement that a term of three days is granted in which any

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ident of the town can present to the board, or to the chairman thereof, in writing, objections as he may deem just and legal against those declared elected, shall be prepared by the board and posted, one on the door of the municipal building, and the other in the square or market place of the town.

On the day following said term of three days, a duplicate of the election certificate with the original electors' oaths and the objections made, if any, shall be sent by the chairman of the board to the governor of the province. If the governor find the election legal, he shall, within three days after the receipt of said documents, direct the newly elected officers to qualify and enter upon their duties on the day fixed by this order. If, upon examining the aforesaid documents, the governor determines that there has been an illegality committed in said election, affecting the validity thereof, in whole or in part, he may order a special election to fill the offices affected, or take such other and further action as he may deem expedient.

ART. 12. In case of the absence of the alcalde, or temporary inability to discharge his duties, the municipal lieutenant shall assume his office. In like manner the municipal attorney will substitute the municipal lieutenant. In case of a vacancy in the office of alcalde, the provincial governor shall appoint a successor. A vacancy in the office of municipal lieutenant or among the councilors will be filled by the municipal council from among the residents of the town having the qualifications specified in article 13. Persons thus substituted as alcalde, municipal lieutenant, or councilor shall serve only for the unexpired term for which selected and until their successors have been chosen.

CHAPTER THREE.

OFFICERS—THEIR QUALIFICATIONS AND DUTIES.

ART. 13. An alcalde, municipal lieutenant, or councilor must have the following qualifications:

1. He must be a duly qualified elector of the municipality in which he is a candidate, of 26 years of age or over, and have had a legal residence therein for at least one year prior to the date of election.

2. He must correctly speak, read, and write either the English language or the local dialect.

ART. 14. In no case can there be elected or appointed to municipal office ecclesiastics, soldiers in active service, persons receiving salary from municipal, provincial, or government funds; debtors to said funds, whatever the class of said funds; contractors of public works and their bondsmen; clerks and functionaries of the administration or government while in said capacity; bankrupts until discharged, or insane or feeble-minded persons.

ART. 15. Each and every person elected or appointed to a municipal office under the provisions of this order shall, before entering upon the duties thereof, take and subscribe before the alcalde or town secretary the following oath of office:

Oath of office.

I, ———, having been ——— as ——— of the municipio of ———, in the province of ———, do solemnly swear that I have the prescribed qualifications to hold office in said town; that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter. So help me God.

[Signature of officer.]

Subscribed and sworn to (or affirmed) before me this — day of —, 19—.

[Signature of alcalde or municipal secretary.]

ART. 16. Every municipal officer charged with the duty of collecting taxes and the custody of municipal funds shall, before entering upon the duties of his office, execute a bond, with good and sufficient sureties to be approved by the alcalde, payable to the town, in such penal sum as may be directed by ordinance or resolution, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officers for and in behalf of said town. The bond of the treasurer shall be fixed at a sum not less than the estimated amount of the taxes for the current year.

ART. 17. The alcalde shall be the chief executive of the town, and is empowered to delegate to the municipal lieutenant the performance of subordinate administrative duties.

ART. 18. The alcalde shall preside at all meetings of the municipal council, but shall not vote except in case of a tie, when he shall give the casting vote.

ART. 19. The alcalde has power—

1. To appoint, by and with consent of the council, all nonelective municipal officers and employees that may be provided for by law or ordinance, and at any time, for cause, to suspend or discharge the same.

2. To cause the ordinances of the town to be executed; to supervise the discharge of official duties by all subordinates; and to perform all other duties which may be prescribed by ordinance or law.

3. To recommend to the municipal council, at any time, such measures connected with the public health, cleanliness, or ornament of the town, or with the improvement of the government and finances thereof, as he may deem expedient.

4. To approve ordinances adopted by the municipal council, such approval being necessary to the validity of the ordinance.

5. To issue orders relative to the city or rural police or to public safety, or for the purpose of avoiding conflagrations, floods, and the effects of storms or other public calamities.

6. To draw warrants on the town treasury for legitimate payments authorized by the council.

7. To exact the punctual payment of taxes.

8. With the assistance of the municipal attorney, one councilor, and one secretary, to hold such public auctions as may be authorized by the municipal council, and to preside thereat.

9. After due trial, in which the accused and his witnesses shall be heard, to punish violations of municipal ordinances and regulations, either by admonition, disciplinary punishment, or fine and imprisonment, as provided in paragraph 14 of article 33: *Provided*, That the jurisdiction conferred by this paragraph may at the discretion of the alcalde, and upon his authorization in writing, be exercised by the municipal lieutenant. Such fines shall be paid in coin and shall be covered into the town treasury by the alcalde.

10. To examine and inspect the books, records, and papers of any officer or agent employed by the town.

11. To sign the journals of the municipal council.

ART. 20. The office of the municipal attorney shall be filled by a lawyer, if there shall be one in the municipality, or, in default of a lawyer, by the person best qualified for the office. He shall be the regulation substitute of the municipal lieutenant, and must attend to all suits and matters and things in which the town may be legally interested; and must give his advice or opinion in writing whenever required by the alcalde or municipal council. He shall act as censor of the minutes of the sessions of the municipal council and all other documents drafted or decreed by the municipality. He shall attend all sessions of the council, but shall have no vote therein. He shall also do and perform all such things touching his office as may be required by ordinance or by the council.

ART. 21. The municipal secretary shall keep his office at the place of meeting of the municipal council, or at some place convenient thereto, as the council may direct. He is clerk of the municipal council, whose meetings it shall be his duty to attend, and he must keep the journal of the proceedings thereof, and all records and acts of the town, and must countersign all warrants ordered by the council to be drawn on the town treasury, and do such other things as the municipal council may by ordinance provide.

ART. 22. The treasurer shall receive all moneys that come to the town from any source, keep a detailed account thereof, and pay the same out only on the order of the council upon the warrant of the alcalde, countersigned by the secretary, and do and perform all such other acts as are prescribed for him by ordinance. He must, on the first day of each month, make out and present to the alcalde a full and complete statement of the receipts and expenditures of the preceding month, copies of which statement the alcalde must cause to be posted in at least two public and conspicuous places within the town.

ART. 23. The treasurer shall give to every person paying money to the town treasury a receipt therefor, witnessed by at least one disinterested person, specifying the date of payment, and upon what account paid; and he shall immediately file a duplicate of said receipt with the alcalde.

ART. 24. All warrants for the payment of money shall be paid in the order in which they shall be presented and the treasurer shall note on the back of each warrant

presented to him the date of such presentation, and when payment is made the date of such payment: *Provided*, That any such warrant shall be paid by the treasurer upon the presentation, in case a sufficient amount of money shall remain in the treasury to pay all warrants previously issued.

ART. 25. The treasurer shall keep all moneys belonging to the towns separate and distinct from his own money; nor shall he be permitted to make profit out of public money or use the same for any purpose not authorized by law.

ART. 26. The duties, powers, and privileges of officers in any way connected with the town government not herein prescribed shall be defined by the municipal council, and the defining by this order of the duties of town officers shall not preclude the municipal council from defining by ordinance further and additional duties to be performed by any such officer.

ART. 27. The offices of the municipal lieutenant and councilor are honorary and gratuitous. The offices of the alcalde, municipal attorney, and municipal treasurer shall be compensated, the salaries being fixed, as in the case of other compensated municipal offices, by the council, as the resources of the corporation will justify, but shall not exceed in case of corporations of the first class, for alcalde, 1,200 pesos; for municipal attorney, 1,000 pesos, and municipal treasurer, 800 pesos; for other class of corporations the salaries for these offices shall not exceed, for those of the second class, 1,000, 800, and 600 pesos, respectively; for those of the third class, 800, 600, and 400 pesos respectively, and for those of the fourth class, 600, 400, and 200 pesos respectively. The salary of the alcalde, during the period he is substituted by the municipal lieutenant, shall be drawn by the latter. The discharge of the duties of alcalde, municipal lieutenant, and councilor is obligatory for the term of two years, and no exemption shall be admitted unless claimed before election and mentioned in this order. A second reelection to any municipal office is prohibited except after two years.

ART. 28. The following persons may be excused from discharging the duties of alcalde, lieutenant, and councilor upon written demand made to the municipal secretary prior to the date of election:

1. Those who are or shall be over 62 years of age at date of election.
2. Those physically disabled.
3. Those who have discharged the same duties for two previous terms.

ART. 29. The term of office of all appointive officers shall be until the end of the term of the alcalde appointing them, unless sooner removed as provided in this order.

ART. 30. Every officer of the municipality shall, at the expiration of his term, deliver to his successor in office all properties, books, and effects of every description in his possession belonging to the town or pertaining to the said office. Upon his refusal to do so he shall be liable for all damages caused thereby and to such penalties as may be by ordinance prescribed.

ART. 31. No officer shall be directly or indirectly interested in any contract, work, or business of the municipality, nor in the purchase of any real estate or any other property belonging to the corporation.

ART. 32. If any town officer, at any time during his term of office, shall remove his residence from the limits of the municipality his office shall thereby become vacant.

CHAPTER FOUR.

THE MUNICIPAL COUNCIL.

ART. 33. The municipal council has power—

1. To create the offices of municipal attorney, treasurer, secretary, and such other offices as may be necessary, and to prescribe their duties.
2. To establish and fix the salaries of town officers and employees and also to prescribe official fees when allowed by law, causing a list of the same to be posted in like manner with ordinances, subject to the limitations expressed in article 40.
3. To manage the finances and property of the town.
4. To regulate the streets, sidewalks, wharfs, and piers in the town, and the use thereof, and to prevent and remove obstacles and encroachments upon the same.
5. To establish or authorize slaughterhouses and markets, and regulate the same.
6. To provide for lighting, sprinkling, and cleaning the town.
7. To provide for licensing every business not prohibited by law and to fix the amount of license tax for the same.
8. To regulate the keeping and use of animals.
9. To suppress games of chance, gambling houses, disorderly houses, nuisances of every description, and all kinds of vice and immorality.

10. To prohibit the burial of the dead within the town except in such places and in such manner as the council may determine.
11. To establish and regulate a police department, and maintain and regulate municipal prisons.
12. To establish and regulate a fire department.
13. To establish and maintain schools.
14. To impose penalties for violation of ordinances; but no single penalty must exceed a fine of 125 pesetas or imprisonment for fifteen days, or both; imprisonment shall be imposed in lieu of unpaid fines at the rate of one day's imprisonment for each peso of the fine.
15. To require any land or building to be cleansed at the expense of the owner or occupant, and upon their default to have the work done and to assess the expense upon the land and building.
16. To adopt measures to prevent the introduction and spreading of disease.
17. To levy and collect taxes as hereinafter provided.
18. To establish, alter, extend, grade, pave, or otherwise improve streets, alleys, sidewalks, or public grounds, and to vacate the same.
19. To make appropriations for lawful town expenditures.
20. To make such provisions for the care of the poor and the sick as it may deem necessary.
21. To purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the town: *Provided*, That the express authorization the governor of the islands shall be necessary to alienate or constitute any lien upon any real property of the town.
22. To erect all needful buildings for the use of the town.
23. To construct and maintain waterworks for the purpose of supplying the inhabitants with water; and to control the water and water courses within the town.
24. To regulate and prevent the throwing or depositing of dirt, garbage, or any offensive matter in any street, alley, park, or public ground.
25. To regulate the numbering of houses and lots.
26. To name streets, avenues, and other public places and to change the names thereof.
27. To construct and keep in repair bridges and viaducts and to regulate the use thereof.
28. To construct and keep in repair public drains, sewers and cesspools, and to regulate the construction and use of private plumbing, sewers, drains and cesspools.
29. To license and regulate the manufacturing, selling, giving away, or disposing in any manner of any intoxicating malt, vinous, mixed, or fermented liquor, and to determine the amount to be paid for such licenses.
30. To prohibit and punish the keeping or visiting of any place where opium is smoked or sold for the purpose of smoking.
31. To provide for and regulate the inspection of meats, fruits, poultry, milk, fish, vegetables, and all other provisions.
32. To provide for the inspection and sealing of weights and measures, and to enforce the keeping of the proper weights and measures by vendors.
33. To prevent intoxication, fighting, gambling, and all disorderly conduct; to restrain riots, disturbances, or disorderly assemblies.
34. To arrest, fine, or set to work on the streets or elsewhere all vagrants and persons found in the town without visible means of support or some legitimate business.
35. To provide for the punishment of mendicants, common prostitutes, or habitual disturbers of the peace.
36. To prohibit cruelty to animals.
37. To regulate the establishment and to provide for the inspection of steam boilers.
38. To regulate or prohibit the running at large of animals within the limits of the town.
39. To license, tax, regulate or prohibit the keeping of dogs, and authorize the destruction of the same, when at large contrary to ordinance.
40. In its discretion to divide the town into districts for taxation and administrative purposes, and to appoint one or more councilors for the inspection and supervision of the same.
41. To establish a post-office and provide for the collection and delivery of mails; but such regulations must be in harmony with the postal service and rules established by the general government.
42. To make such ordinances and regulations, not repugnant to law, as may be necessary to carry into effect and discharge the powers and duties conferred by this

order, and such as shall seem necessary and proper to provide for the health and safety, promote the prosperity, improve the morals, peace, good order, comfort, and convenience of the town and the inhabitants thereof and for the protection of property therein; and to enforce obedience thereto with such lawful fines or penalties as the municipal council may prescribe under the provisions of subdivision 14 of this article.

ART. 34. The municipal council shall, at the beginning of each year, by a majority vote of the entire council, resolve itself into committees to take charge of the police, health, plantations, irrigation, live stock, public works, roads, schools, and other municipal affairs.

ART. 35. The majority of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

ART. 36. The municipal council shall prescribe the time and place of holding its meetings: *Provided*, That at least one meeting shall be held each week.

The alcalde or any two members of the council may call a special meeting by giving a written notice of it to each of the members of the council, which notice shall be served personally or left at his usual place of abode.

ART. 37. The sessions or meetings of the municipal council shall be public, and the person presiding has authority to exact from all present due respect and proper deportment, to prevent disturbances and disorder, and to order the room cleared of any or all present who give reason for such action by improper behavior. The council may decide to hold sessions with closed doors if the nature of the business in hand requires such action.

ART. 38. The municipal council shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members, the council may suspend or expel a member for cause.

ART. 39. The council shall keep a journal of its own proceedings. The ayes and nays shall be taken upon the passage of all ordinances and all propositions to create any liability against the town, or at the request of any member, and shall be entered upon the journal. The concurrence of the majority of the members of the municipal council shall be necessary to the passage of any ordinance or of any proposition creating indebtedness; other measures, except as otherwise specially provided in this order or by due authority, shall prevail upon the majority vote of the members present at any meeting duly called and held.

ART. 40. All ordinances, before taking effect, shall be posted within the town in at least two public places, and shall go into effect on the tenth day after posting the same, unless the ordinance shall provide that it shall take effect at an earlier or later date: *Provided*, That no ordinance creating a municipal office or prescribing the compensation thereof shall take effect until it has been approved by the provincial governor.

ART. 41. Questions which may arise relative to the constitution or attributes of the municipal government shall be submitted to the military governor for decision through the provincial governor, with the recommendations of the latter.

CHAPTER FIVE.

TAXATION AND FINANCES.

ART. 42. The revenues of the towns, which shall be devoted exclusively to local public purposes, shall be derived from the following sources:

1. Fisheries.
2. Certificates of ownership of large cattle.
3. Certificates of transfers of title.
4. Rents and profits from city and country property belonging to the town.
5. Billiard tables.
6. Theatrical performances and horse races.
7. Markets.
8. Slaughterhouses.
9. Tollbridges, ferries, and fords.
10. Stabling of animals.
11. Tax for lighting and cleaning.
12. Municipal fines.
13. Bathing establishments in public waters.
14. Professional or special institutions of instruction.
15. Licenses to erect buildings, and other licenses allotted to municipalities by law.

16. Public carriages and those used in funerals, and carts used for the transportation of freight, within the limits of the towns.

17. Issuing of certified copies of resolutions or of documents on file in the municipal archives.

18. The sale of spirituous or fermented drinks, either in permanent establishments, by peddlers, or by the manufacturers thereof.

19. Cafés, restaurants, hotels, inns, lodging houses, and other similar establishments.

20. The stamping and restamping of weights and measures.

21. Carriages, carts, and horses.

22. Municipal cemeteries.

23. Road or street tax.

24. Other taxes which may be imposed, according to the requirements and conditions of each town.

25. A general division among all residents and property owners, in proportion to the means and resources of each, to cover the expenses of the service of the municipality or of such part thereof as is not provided for by receipts from the preceding sources.

ART. 43. Rates of taxation imposed by the municipal council upon industries paying industrial taxes to the general government shall not exceed 25 per cent of such industrial taxes.

ART. 44. Rates of taxation shall be fixed by ordinance and may be changed from time to time as the council may deem proper, but ordinances imposing taxes under subdivisions 24 and 25 of article 42, or changes therein, before taking effect, shall be submitted to the governor of the islands for his action through the provincial governor, with the recommendations of the latter.

In levying taxes the council shall endeavor to provide for sufficient revenue to cover the estimated annual expenses of the town.

ART. 45. During the month of January of each year the council shall cause to be made a report giving:

1. An inventory of all buildings, lands, and other property, real and personal, belonging to the municipality.

2. An itemized estimate of the revenues of the town from all sources during the current year, with a statement opposite each item of the amount realized from that source during the last preceding year.

3. An itemized estimate of the ordinary expenses of the town for the current year, with a statement opposite each item of the corresponding expenditures for the last preceding year. The estimated ordinary expenses must not exceed the estimated resources. This estimate shall include a statement of outstanding indebtedness, if such exists.

4. An estimate of such extraordinary expenditures, if any, as may be required through unusual necessity, or to make permanent improvements. Such estimate shall state the approximate total expenditures by reason of such necessity or improvement, the amount which it is expected to expend during the current year, and source or sources from which it is proposed to secure the necessary funds; also an itemized statement of extraordinary expenditures for the last preceding calendar year. The reports hereinbefore provided for shall be in such form as may be prescribed by higher authority, or, in the absence of such prescribed form, shall be written in an orderly and intelligible manner.

Such report, when approved, shall be attested by the alcalde and town secretary, and shall be forwarded in duplicate to the governor of the province for his action. If approved by the latter he shall forward one of the copies with his approval indorsed thereon to the alcalde to serve as a guide to the municipality in the administration of the finances of the town.

Any increase in expenditures beyond the amounts thus estimated and approved will be understood to be illegitimate and can not be approved if the total amount of the same should exceed the resources.

ART. 46. Taxes and imposts shall not be leased by the municipal council, but shall be collected by municipal employees, or in such other manner as the council may determine.

ART. 47. The alcalde shall take measures to compel the payment of delinquent taxes and may make use of judicial compulsion when necessary, following the mode of procedure provided in such cases by the general government of the islands.

ART. 48. When taxes are paid directly to the treasurer he shall receipt therefor as provided in article 23. When collected by any other duly authorized person, the latter shall give the taxpayer a receipt signed by the treasurer and by himself. The treasurer shall retain a duplicate of all such receipts issued by him to collectors, so as to verify collections reported by the latter. Collectors will turn over to the treas-

urer, once each week, all amounts received by them during the week, with an itemized statement of the persons collected from and the respective amounts received. The treasurer will receipt to the collectors for amounts thus turned over, as provided in article 23.

ART. 49. At the termination of the period of collection, the person in charge of the same will return to the municipal council an account of those taxes that could not be collected; and the collector will not be held liable for the uncollected portion unless because of negligence or bad faith on his part.

ART. 50. Taxation shall be uniform and just. Persons deeming themselves injured by any tax levy may protest to the council, whose duty it shall be to consider and determine such protests at once. Should the protest be disregarded, the protestant may appeal in writing to the provincial governor through the alcalde; the latter shall note upon the appeal papers the action taken by the council.

ART. 51. A public improvement deemed necessary by the municipal authorities, not exceeding 2,000 pesos in cost, may be made by the council with the prior approval of the provincial governor. If the estimated cost should exceed that sum, the proposed expenditure will be submitted to the governor of the islands for his action by the provincial governor, with the recommendation of the latter.

Should any such improvement prove to be more expensive than estimated and approved, that fact, as soon as ascertained, will be reported to the provincial governor for his action.

No improvement will be authorized which can not be paid for from the ordinary revenues of the town, or from some extraordinary tax duly proposed and approved.

ART. 52. The treasurer, during the month of January of each year, shall prepare itemized statements of the income and disbursements for the preceding calendar year. The latter shall be duly verified and submitted to the council, which shall carefully audit the same, comparing the statement of income with the duplicate receipts in the hands of the alcalde, and the statement of disbursements with the warrants in the hands of the treasurer. If, after this and such further examination as the council may desire to make, the statements are found to be correct, they will be attested by the members of the council. Should any member not be in favor of approving the statements or any item therein, he will indorse his disapproval in writing thereon, mentioning the items objected to and the reasons therefor. Certified copies of the statement, with the signatures thereto and indorsements thereon, shall at once be forwarded to the provincial governor.

CHAPTER SIX.

THE PROVINCIAL GOVERNOR—DUTIES AND POWERS IN RELATION TO THE TOWNS.

ART. 53. The governor of the province shall be ex-officio president of all municipal councils within the province and shall have general supervisory charge of the municipal affairs of the several towns and cities therein organized under the provisions of this order, and in his said supervisory capacity may inspect or cause to be inspected, at such times as he may determine, the administration of municipal affairs and each and every department thereof, and may hear and determine all appeals against the acts of municipal corporations or their officers. He, or those whom he may designate in writing for that duty, shall at all times have free access to all records, books, papers, moneys, and property of the several towns and cities of the province, and may call upon the officers thereof for an accounting of the receipts and expenditures, or for a general or special report of the official acts of the several municipal councils, or of any and every of them, or of any and every of the officers thereof, at any time, and as often as he may consider necessary to inform himself of the state of the finances or of the administration of municipal affairs; and such requests when made must be complied with without excuse, pretext, or delay. He may suspend or remove municipal officers, either individually or collectively, for cause, and appoint substitutes therefor permanently, for the time being or pending the next general election, or may call a special election to fill the vacancy or vacancies caused by such suspension or removal, reporting the cause thereof with a full statement of his action in the premises to the governor of the islands without delay. He shall forward all questions or disputes that may arise over the boundaries or jurisdictional limits of the city, towns, or municipalities to the governor of the islands for final determination, together with full report and recommendations relative to the same. He may, with the approval of the governor of the islands, authorize the cities and towns to form among themselves associations or communities for determined ends, such as the construction of public works, the creation and foundation of beneficent, charitable, or educational institutions, for the better encouragement of public interests or the use of communal property.

CHAPTER SEVEN.

PROVISIONAL ARTICLES.

ART. 54. It shall be the duty of commanding officers of military districts, immediately after the publication of this order, to recommend to the office of the military governor in which towns within their commands municipal governments shall be established, and upon approval of recommendations, either personally or through subordinate commanders designated by them, to issue and cause to be posted proclamations calling elections therein. Such proclamations shall fix the time and place of election and shall designate three residents of the town who shall be charged with the duty of administering electors' oaths, of preparing, publishing, and correcting, within specified dates, a list of electors having the qualifications hereinbefore set forth, and of presiding at and making a due return of the election thus appointed. The proclamation shall specify the offices to be filled; and in order to determine the number of councilors the commanders charged with calling the election shall determine from the best available evidence the class to which the town belongs, as hereinbefore defined; the classification thus made shall govern until the taking of an official census. The first alcaldes appointed under the provisions of this order shall take and subscribe the oath of office before the commanding officer of the military district or some person in the several towns designated by said commanding officer for the said purpose, whereupon the alcalde so sworn shall administer the said oath of office to all the other officers of the municipio there elected and afterwards appointed.

The election returns shall be canvassed by the authority issuing the election proclamation, and the officers elected shall assume their duties on a date to be specified by him in orders.

ART. 55. Until the appointment of governors of provinces, their duties under this order will be performed by the commanding officers of the military districts. They may, by designation, confer on subordinate commanding officers of subdistricts or of other prescribed territorial limits of their commands the supervisory duties herein enumerated, and a subordinate commander so designated shall perform all and every of the duties herein prescribed for the superior commanding officer.

ART. 56. For the time being the provisions of this order requiring that alcaldes be elected, in all cases shall be so far modified as to permit the commanding officers of military districts in their discretion either to appoint such officers or to have them elected as hereinbefore prescribed.

The term of office of alcaldes, appointed under this authority, shall be the same as if they had been elected; at the expiration of such term the office shall be filled by election or appointment.

ART. 57. The governments of towns organized under General Orders, No. 43, Headquarters Department of the Pacific and Eighth Army Corps, series 1899, will continue in the exercise of their functions as therein defined and set forth until such time as municipal governments therefor have been organized and are in operation under this order.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

This order was published in both the Spanish and English languages, as indeed were all promulgated directions and instructions with which it was desired that the people should become acquainted. It provides a municipal form of government which is an extended development of the one formerly in force in the principal cities of the islands, with certain harsh and burdensome features eliminated. The important new features introduced gave a carefully restricted suffrage, protected the liberty of the citizen, permitted the expenditure of the entire revenue for municipal purposes, placed eligibility to municipal office within proper restraints, conferred a general supervisory charge on governors of provinces, to whom appeal could be taken and from whose decisions appeal could be moved to the chief executive of the islands in cases involving the rights of citizens or upon questions which concerned the integrity of the municipal corporation or its officers, thus establishing that privity of relationship which should exist between a self-governed town and the supreme State authority

All restrictions placed upon suffrage and eligibility for municipal office were contended for by the Filipino members of the board which formulated the plan of government as absolutely necessary until the mass of the people became more enlightened; and construing them strictly according to their meaning and intent, they work no hardship, since the taxpayer who contributes thirty Mexican dollars annually or the citizen who can read, speak, and write either English or Spanish, whether a tax contributor or not, is at liberty to cast his vote.

This scheme of government was to be put in operation on the approved recommendation of district commanders in such of the towns and cities as might request it and could show that they were fitted for its practical application. It is experimental, and possibly may be considered tentative, adapted to conditions until military shall be succeeded by civil control in the islands; but it is believed by those who have a knowledge of the average intelligence of the people that if faulty it is because of its liberality. It has, I believe, been put in force in two or three of the larger cities, and in a few months its failure or practicability will be demonstrated. I am of opinion that it will furnish the foundation upon which can be erected a stable civil government, the building of which, whatever course of governmental procedure may be adopted, will require the patient labor of years.

The gradual resumption and increase of business in the Philippines necessitated action on the part of the government in matters which required its protection, or in those in which it had property interests. The work of the bureau of patents, copyrights, trade and industrial marks, designs or models, formerly conducted by Spanish regulations in separate offices under the supervision of the Dirección General de Administración Civil must be revived, both for the safety of the already acquired property rights of the natives and Spaniards who had availed themselves of the Spanish laws, and also to meet the requests of United States citizens who sought to introduce their inventions and trade products in the islands. As early as June 26, 1899, orders were issued consolidating the separate bureaus into a single office designated "Office of Patents, Copyrights, and Trade-marks," of which Captain Ahern of the Ninth Infantry was placed in charge; and he was instructed to forward for the consideration of the military governor such matters of administration as by Spanish regulations required the attention of authority superior to that which the director general of the civil administration exercised. The principal Spanish regulations governing the subject had been collected and translated into English, and Captain Ahern was obliged to inform himself as to details of procedure and systematically organize his office. Before it was established War Department instructions were received containing the following:

In territory subject to military government by the military forces of the United States, owners of patents, including design patents, which have been issued or which may hereafter be issued, and owners of trade marks, prints, and labels duly registered in the United States Patent Office under the laws of the United States relating to the grant of patents and the registration of trade marks, prints, and labels, shall receive the protection accorded them in the United States under said laws; and an infringement of the rights secured by lawful issue of a patent or by registration of a trade mark, print, or label, shall subject the person or party guilty of such infringement to the liabilities created and imposed by the laws of the United States relating to said matters.

This protection was accorded in the Philippines provided the party in interest filed in the office of the military governor a duly certified copy of the patent or of the certificate of registration of the trade-mark, print, or label, if the property rights granted to individuals under the Spanish laws were not infringed.

The instructions placed in force in the islands, to a certain extent, the United States patent law and at the same time announced the active existence of the Spanish law on the subject. That is, citizens of the United States had the benefits of its law of patent and trade mark protection, while Filipinos and Spanish subjects who had acquired protected rights by Spanish law must abide by its provisions. The Spanish law was attended by considerable public revenue, whereas the object of the United States law was to encourage and reward inventive genius in mechanics and arts and to stimulate legitimate trade. Both laws were applied. Inhabitants of the islands were served with the following information issued from the office of the military governor:

Notice is hereby given to all holders of letters patent granted under Spanish law, who wish protection continued in these islands for said patents, that the requirements of the law under which said letters patent were granted must be complied with.

Payment of the annual progressive tax on said patent rights, as prescribed by Article No. 13, Royal Decree of July 30, 1878, should be made at the office of patents, copyrights, and trade-marks.

This savored somewhat of class legislation and appears erroneous for that and other reasons. It would seem that all patentees should be placed on the same footing with regard to privileges granted by the government. In the months during which this bureau has been in operation (from June 26, 1899, to May 1, 1900) 461 certified copies of United States letters patent and 374 certificates of registration of United States trade-marks have been filed with it, in accordance with War Department instructions. Payment for the services of interpreter, the necessary office clerks, and other office expenditures have been nearly met by the exacted fee of \$1 for filing each of these certified copies and certificates.

The mining interests of the islands, confined almost entirely to coal production, were inactive except in certain sections dominated by insurgent troops, where small quantities of lignite for home use and to supply the enemy's small steamers were mined. With the opening up of the territory, prospectors from the United States and other countries were quite numerous and zealous, and inhabitants holding concessions from the Spanish Government desired to recommence their mining industries and requested assistance and military protection. Prospectors moved with our troops, and, in many instances, penetrated the country prior to our occupation. In northern and eastern Luzon this fact was very noticeable. In Mindanao American prospectors entered the interior and subsequently visiting the city of Zamboanga, the headquarters of a military district, endeavored to have record made of mining claims they professed to have taken up according to the provisions of the United States mining laws. Action on their requests was complied with by some of our officers in so far as concerned the opening of a record book and entering therein names, claims, and localities, although they were informed at the time entry was made that the United States law did not prevail. This action was interdicted as soon as ascertained, as it was thought it might give rise to future disagree-

able consequences in encouraging demands for priority of individual interest. On March 10, 1900, the following orders were sent out:

GENERAL ORDERS, }	OFFICE OF UNITED STATES MILITARY GOVERNOR
No. 31. }	IN THE PHILIPPINE ISLANDS,
	<i>Manila, P. I., March 10, 1900.</i>

The mining bureau (inspección general de minas), heretofore administered as a bureau of the dirección general de administración civil, is hereby reestablished and placed in charge of First Lieut. C. H. Burritt, Eleventh Cavalry, U. S. Volunteers, who will receipt to the chief engineer officer of the Department for all records, documents, and property pertaining to said bureau.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

Lieutenant Burritt brought to his assistance, in the execution of the duty assigned him, a practical and legal experience of mining laws and mining methods prevailing in the United States. The work of securing and translating into the English language the Spanish decrees on the subject which had received varied and partial amendments from time to time, and in establishing his bureau, necessarily involved much labor, but he has succeeded sufficiently to accomplish practical work. The islands are rich in coal, much of which is equally of as good and some of better quality than that furnished by Japan, and with the development of the mines already in working order, and those about to be opened, our Navy, Army and coasting vessels, railroads, and steam machinery of every character can be abundantly and cheaply supplied, soon. A great need is coal near Manila for our transports, thereby saving the journeys to Japan for coaling purposes and the time required for the extra sea travel. Private enterprise, if encouraged, will place it on the shore of Subig Bay at a much less expense than it can be secured from Japan or any port of the Eastern Hemisphere, outside of the Philippines.

Sufficient exact knowledge has not been obtained as yet to report truthfully on the mineral wealth of the islands, but, according to statements made by the inhabitants and apparently on well-based rumor, gold, silver, galena, iron, and a number of other metals can be found in paying quantities. Valuable information on this subject is contained in the report of the late Philippine Commission, of which Prof. J. G. Schurman was president.

The timber resources of the islands are abundant and of great value. Almost every kind of the tropical hard woods abound, and these, with the soft woods, have been classified by the Spanish Government into four or five groups, numbering, all told, over 300 varieties, of which, by Spanish law, more than sixty, on account of their value, could not be used by the inhabitants for fuel. The timber interests have been poorly prosecuted, as modern machinery for cutting and preparing lumber for the market has not been introduced, and the primitive processes employed are fully as wasteful and extravagant as those which attend the methods of working the sugar cane. However, when our occupation of the city of Manila began the price of building lumber was considered very low, but the demands of the city in which new structures were needed on account of the increase of population and business carried the price to an exceedingly high figure. As soon as timber sections of the country were opened to trade great eagerness was manifested by the inhabitants to obtain not only building lumber, but also wood for fuel. To protect the large Government interests it was necessary to reestablish the forestry bureau, and the following orders were issued:

GENERAL ORDERS,) OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
No. 50.) Manila, P. I., April 14, 1900.

Capt. George P. Ahern, Ninth U. S. Infantry, is hereby appointed in charge of the forestry bureau (inspección general de montes), heretofore administered as a bureau of the dirección general de administración civil.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

Former Spanish methods will require modification, but action in that direction should await careful investigation of Government interests and a determination of the proper methods to be pursued by which the welfare of the inhabitants in general can best be subserved.

On the subject of schools and educational institutions, I remarked in my last annual report, in part, as follows:

In Manila and a few other cities where our troops are stationed to give inhabitants protection, schools have been established. Parents and children are eager for primary-school instruction and are very desirous to acquire a speaking knowledge of the English language. In the city of Manila more than 5,000 children are attending these schools, which are maintained at a cost of nearly 10,000 Mexican dollars a month. * * * The higher education, which the islands have hitherto enjoyed, as well as that of a minor character, has been entirely under the control of the religious orders and has centered in Manila. The Dominican order, rich in landed estates acquired through a series of years, inaugurating its educational policy under royal assistance, money contribution, and decrees when the educational field was entirely in the possession of the clergy, and seizing on by degrees to the educational institutions and scientific schools organized by the Jesuits under royal protection and conducted with funds from individual testators after that order had been driven from the islands, built up the University of Manila and gradually incorporated in it these Jesuit foundations. Great effort was made to sever them from Dominican authority by recent Spanish statesmen of advanced ideas, but without success, and now the leading Filipinos demand that severance and a return to state supervision.

The Manila schools have constantly increased in number of attendants, which now approximates 6,000, and in a corresponding additional expenditure of the public moneys for their maintenance. The system of teaching, the school supplies, and accommodations have gradually improved, and the coming school year bids fair to accomplish gratifying results. As soon as new territory was acquired its inhabitants expressed the same desire for primary-school teaching as had been manifested in Manila, and they were accommodated in so far as our meager resources would permit, soldiers in some instances being temporarily detailed as instructors. The inhabitants were informed that they would be expected to furnish the necessary school building, and that books, writing paper, and kindred material in moderate quantities would be supplied by the Government authorities. On March 30, 1900, Capt. Albert Todd, of the Sixth Artillery, who had been acting as auditor of the islands, was relieved from that office by Mr. Walter G. Coleman, the appointee of the War Department, and was detailed to take temporary charge of public school instruction. In a report submitted May 2 he summarizes school work accomplished and in contemplation, from which we give extracts:

UNITED STATES MILITARY GOVERNMENT IN THE PHILIPPINES,
DEPARTMENT PUBLIC INSTRUCTION,
Manila, May 2, 1900.

THE SECRETARY TO THE MILITARY GOVERNOR IN THE PHILIPPINES.

SIR: I have the honor to make the following report of the operations of this department since the date of its organization under General Orders, No. 41, office military governor, March 30, 1900:

Previous to that time such distribution of books as has been made was done under the direction of Mr. G. P. Anderson, superintendent of the schools in Manila. There

had come into his possession a quantity of books, paper, chalk, etc., taken over from the Spanish Government, and also certain amounts purchased in the United States and Manila, and a number of flags donated by Lafayette Post, Grand Army of the Republic, No. 140, Department of New York. From these he has made issue to the schools in Manila and to certain ones in the provinces. The inclosed paper marked A shows amounts received from various sources, amounts issued, and balance on hand May 1, 1900. The same paper shows books and other supplies ordered from the United States but not yet received. The books referred to in the inclosed letter from the secretary of insular affairs in Washington are a part of these orders.

Purchased in Manila.....	\$730. 82
Purchased in United States, received.....	2, 243. 40
Ordered from United States, not received (estimated).....	38, 806. 60

41, 780. 82

or \$84,397.26 in Mexican.

In addition a request is this day submitted for approval of another order for supplies aggregating about \$1,650 Mexican. It is hoped that these various supplies will serve for the needs of the schools in the islands for about three months; and as to books, for a considerably longer period on the present basis of instruction. * * *

As intimated in the last paragraph, at first I think only reading, writing, and speaking English should be attempted, except in Manila and possibly in some few other places. I regard a ready acquaintance with the English tongue, to read, to write, to speak it, as of the first importance, and enough to demand for the present the entire efforts of our educational forces. Geography, history, arithmetic, not to mention what are called the higher branches, are the same in all languages, and it is not deemed expedient or necessary that special text-books for them should be prepared, either in Spanish or the various native dialects, or purchased in any large quantity. But suitable and adequate elementary dictionaries, primers, charts, and readers should be prepared as soon as possible. While in some cases it may be necessary to work through the medium of Spanish, in general it is believed English should be taught directly from the dialects, and the books should be written to that end. * * *

Action has already been taken by this office toward obtaining copies of all school laws, reports, etc., from the various States of the Union, and also samples of text-books and various school appliances. It is realized, of course, that as yet our Government is but at the threshold of public education in the Philippines, and I regard it best to accumulate expert opinions in order that well-digested and feasible plans may be devised. The supplies already ordered will begin the work, but the future will demand large outlays of money and the labor of experienced and competent educators.

Very respectfully,

ALBERT TODD,
Captain, Sixth Artillery, in Charge Department.

Regarding the character of the text-books in so far as special language is concerned, the wish of the people is contained in the reply of a representative Filipino, to whom I made the remark that it was doubtful if sufficient text-books in both Spanish and English could be secured; "Give the children the English books and they will learn English quicker." That course I am informed is pursued in Hong-kong and has been very successful. These simple methods of instruction, very hastily put in operation to answer the pressing importunities of native parents, have now been established in many of the islands. The system is crude, of course, but will give comparative satisfaction and compensating results until a better one can be inaugurated.

The demand of representative Filipinos that certain advanced educational institutions be taken from the control of the religious orders and returned to State supervision has been acted upon only in a single instance, and that action merely extended to the temporary closing of the medical college of San Jose, an institution founded by the Jesuits, operated by the Spanish Government after the expulsion of that order from the islands, and during late years attached to the University of Manila, which is claimed by the Dominicans as its sole property, with

vested right of management. Pending deliberation on the subject of a reorganization in the management of the college, the authorities of the university reopened it for instruction and received students, when the provost-marshal-general was directed to close it, take formal possession of and retain the same until matters in controversy could be determined. Correspondence between the military and ecclesiastical authorities followed, and was still being pursued when I left the islands. The controversy broadened into an argument on the powers of the ecclesiastical orders to take part in what was considered the functions of civil government, and there gradually entered therein the question of the validity of certain transfers of real property by those orders to foreign syndicates; also the right to demand from the United States payment for church occupation by Spanish prisoners of war. In the Official Guide for the Philippines on the subject of Spanish governmental organization, the college of St. Joseph is entered as a pious establishment, under the heading of "Pious works," with these remarks:

Founded by the Society of Jesus. At present it is under the immediate dependency of the vice-royal patronate, which has an administrator. The direction is under the charge of the rector of the university. In it are established the branches of medicine and pharmacy of the university. It is a good establishment, with all the improvements required for the sciences there taught.

From the same authority we learn the following:

In accordance with article 89 of the constitution of the Spanish monarchy, the Philippine Islands, as well as the other foreign provinces, will be governed by special laws. By virtue of the constitution the supreme direction of all the affairs relative to the government and administration of the Philippine Archipelago is exercised by the King, with his council of ministers, the secretary in charge being the minister of colonies, who resolves by royal order all matters relative to the branches of grace and justice, politics, finance, government and foment in which the sanction of the monarch is not necessary, advising, when he may judge proper, with the council of the Philippines, a body dependent from the ministry of colonies, etc. * * *

The government of the Philippine Archipelago is vested exclusively in the Governor-General, who is the only and legitimate representative of the supreme power of the Government of the King of Spain in these islands, and as such is the superior chief in all pertaining to public administration, with the right as such of exercising superior inspection over the same and the courts of justice. * * * This high office * * * has annexed to it the office of vice-royal patron of the Indies * * * and president of all the corporations and societies that have an official character.

To assist the governor-general in his duties there were two advisory boards, namely, the board of authorities, instituted in 1850, and the council of administration, created in 1861 and reorganized under royal decree of May 13, 1893. Members of the board of authorities consisted of the governor-general of the islands as president, the archbishop of Manila, the officer second in command of the army in the Philippines, and the commandant-general of the navy, together with the officers conducting civil administration, the chief justice, and the attorney-general. The council of administration was composed of fifteen ex-officio councilors, six delegate councilors, and four councilors of royal appointment. The first class consisted of the governor-general as president, the metropolitan archbishop, the officers exercising immediate command of the army and navy in the Philippines, the chief justice, the civil officers of administration, and the five superiors of the religious corporations which had charge of the five dioceses into which the Philippine Archipelago was divided, and the presidents of the Manila Chamber of Commerce and the Society of Friends.

The general departments of the Spanish Philippine government may be designated as political, ecclesiastical, judicial, military, and administrative. The ecclesiastical acted "subject to the prerogatives of the royal patronship vested in the kings of Spain by virtue of divers bulls of the Roman pontiffs," which prerogatives were exercised in the Philippines by its governor-general as vice-royal patron; but the purely spiritual matters were supposed to be conducted by the regular and secular clergy. The ecclesiastical branch of the government had supervision of all religious and charitable corporations and institutions, and of all the funds by which they were maintained. These funds were administered by the "Direction and Administrative Boards of Pious Works." The first was presided over by the archbishop of Manila, and had the chief justice, the intendente general of internal revenue, and the attorney-general as members. It supervised the administrative board on all questions regarding expenditures and disposition of funds, the accounts of which the latter kept. This ecclesiastical department had charge of public instruction, which was divided into three classes: Superior, elementary, and primary. The first was said to be in charge of the University of Saint Thomas, the second of the municipal atheneum, of the normal school of masters, and of the college of Latinity incorporated into the university, and the third of the masters and mistresses of the towns of the archipelago. The normal school of masters and the municipal atheneum were under the charge of the Jesuits. In the first the title of master of primary instruction was acquired, which gave the right to teach in the primary schools of the islands.

From the above it will be perceived that the representatives of the church took an active part in the administrative affairs of the islands, and the governor-general in matters which would be considered generally as purely ecclesiastical, for he had the right "to confer all ecclesiastical benefices upon parish rectors, missionaries, coadjutors, etc.; to inspect all religious corporations, brotherhoods, fraternities, and others which are regulated by the laws of the Indies." All these prerogatives, it was contended, inhered in his office by virtue of the power exercised as vice-royal patron of the church, which was conferred by the Vatican; that these powers had lapsed by death and had returned to the church; that the religious orders were duly incorporated and had the right to manage their properties and the colleges and schools which they had established. This old question of the source of power known as vice-royal patronage, which had been argued so long by Spanish statesmen—one party contending that it was a voluntary concession from the Pope, expressed in various bulls issued, the other that if in the nature of a concession it was an acknowledgment by the Pope of the rights of Spain because of conquest to manage its own Philippine affairs, hence was coupled with royal prerogative—was almost in danger of a revival. The claim of the Spanish archbishop and the religious orders that very many of the civil functions which the governor-general as representative in the islands of the sovereignty of Spain exercised were powers which belonged to him solely as patron of the church, and hence virtually as representative of the Pope, could not be admitted. His Grace Archbishop Chapelle, apostolic delegate to Cuba, Porto Rico, and the Philippines, shortly after his arrival in Manila from the United States, renewed the subject in a letter in which he advocated the necessity of

returning the friars to their former parishes throughout the islands as soon as practicable in order to secure the pacification of the people. To this letter reply was made on February 15, of which the following is a partial copy:

One other issue, although more germane to the subject-matter presented than those already referred to, is raised by your remark that it is not "the purpose of the American Government that its governor should take upon himself the ecclesiastical functions of the Spanish captains-general as vice-royal patron of the church." You mean, of course, that the United States military governor can not assume the title and functions of the former governors-general of Spain, whose title was that of "vice-royal patron of the Indies," and whose functions extended to a supervision of all matters of state connected with the islands, and included certain powers of appointment and control which were of an ecclesiastical character. As you are aware, there has always been a radical difference of opinion as to the sources of these supervisory powers. Spanish statesmen hold that they flowed naturally from the sovereignty of Spain, whose title to the Philippine Islands and whose right to exercise every right of sovereignty is based upon the acknowledged fact of discovery and conquest, which is conceded by the civilized world to furnish indisputable evidence of absolute ownership. The church contends that the supervisory charge over its affairs and the properties of the various religious orders here established, which the governor-general has exercised as vice-royal patron, is derived from the Vatican and was conferred upon the King as royal patron of the church by certain papal bulls, which simply are pontifical concessions unaccompanied by a continuing power, and that this view is acknowledged and confirmed in the concordat of 1753; that the Spanish monarch, in return for this extraordinary privilege conferred by the Vatican, was obliged to protect and support the church and compensate its clergy. This last-expressed opinion your grace appears to entertain, and you conclude that the King of Spain who enjoyed this privilege, which was personal in its nature or rather belonged to the kingly person, is now dead to the Philippines, and that therefore the same has reverted to the donor; and you also conclude, as I believe, and with reason, that under the Constitution of the United States there can not exist any privity of relationship between that Government and the Holy See; hence the United States can not claim or exercise any privilege or prerogative (by whatever name it may be called and from whatever source derived) which is purely ecclesiastical in character.

In answer to these divergent opinions it may be said:

First. That the office of the governor-general of the Philippines no longer exists, and that the title of "vice-royal patron of the Indies" is relegated to the past. The military governor in the Philippines is merely the agent of the United States to take action under the instructions of the Executive head of that Government for the protection of its rights and the execution of its obligations.

Second. That whatever rights of public control were inherent in the Crown of Spain have descended to the United States by conquest and subsequent treaty stipulations.

Third. That the United States can exercise those rights in manner and form as did the King of Spain, except as prevented by its Constitution and laws.

Fourth. Under Spanish law as universally recognized, even by the Catholic Church, religious institutions could not be established without the authority of the Crown of Spain, and when so established there was reserved to the Crown the most complete and universal right of patronage, against which the law did not admit either custom or prescription.

Fifth. That under the Constitution of the United States the "Congress shall make no law respecting an establishment of religion or prohibit the free exercise thereof," and Congress has refrained from legislating upon purely church matters, and has never asserted that it has the power to interfere with religious communities in either appointment to ecclesiastical office or particular features of church government.

Sixth. The United States recognizes the right of religious communities, as associations or corporations, to hold and administer such properties, both real and personal, as may be necessary to accomplish the legitimate purposes for which they have been established, and all such properties are as much under the protection of the law and subject to judicial investigation as are those of associations or corporations of a purely civil character. In the case of these property holdings of the so-called religious orders in the Philippines, they are also protected by the eighth article of the late Paris treaty of peace, which declares that "the property or rights which by law belong to the peaceful possession of property of all kinds of * * * ecclesiastical or civil bodies" shall not be impaired.

Seventh. The property holdings of the religious corporations are believed to be to a considerable extent in the nature of trusts, really trust estates, the revenues of which must be applied to particular uses, as for the support and education of the poor, or of certain specified classes of individuals, as well as for purposes and service strictly religious. All such trusts are denominated charities, and courts of civilized nations hold that the property involved is in a measure public property, applicable only to the specific purposes to which it is devoted, but within such limits is consecrated to the public use; and Chancellor Kent lays down the principle of law as follows: "In this country the legislature or government of the State, as *parens patriæ*, has the right to enforce all charities of a public nature by virtue of its general superintending authority over the public interests, when no other person is intrusted with it." The United States courts hold that the prerogative of *parens patriæ* is inherent in the supreme power of every State whether lodged in royalty or legislature, and it can be exercised whenever the rightful or correct administration of trust properties is called in question.

Eighth. Conceding that the friar communities of the Philippines are entitled to administer the properties legally vested in them by Spanish law, whether absolutely or in trust, the nature, character, and investiture of all properties claimed by them, and from the possession of which they were driven by Spanish rebels, become matter for a legitimate official inquiry and determination. This preliminary inquiry, I believe, is the right and duty of the United States authorities to institute, and as the Government's agent in the Philippines I am not at liberty to perform any action which would interfere with those interests or obligations.

Your grace will perceive that in the above remarks, brief as they necessarily must be when conveyed in the shape of correspondence, it is acknowledged that the United States can not take action in appointment to ecclesiastical office, nor in religious reforms, observances, and purely church administration; that it can not exercise in any way the formerly existing powers (whether conveyed by the Holy See or inherent in royal prerogative it matters not) which devolved upon the King of Spain as royal patron of the Roman Catholic Church within his Indian possessions, but that of right and in consonance with duty it must exercise that general supervision, when its power is invoked, over the property holdings of religious as well as over those of civil associations and corporations, and especially over those properties which are governed by the principles of equity jurisprudence. In this announcement it is not conceded that even the churches and other religious edifices are the property of the friars, although in their possession, as it might be held, possibly, that some of them belong to provinces and municipalities of the islands, since they were constructed by means of the public civil funds collected as taxes to sustain the civil government, which the King of Spain intended (as must be legally concluded in the absence of declaration of intention to the contrary) should inure to the use and benefit of the people. Any arising complication of this character might bring in question the titles of churches constructed on land claimed by the religious orders, much of which they can undoubtedly show that they own in fee simple through legitimate purchase. And a complication has arisen by the recently discovered transfer of some of these friar estates. In passing their title to large tracts of land, did they convey to the profane syndicate purchasers the sacred edifices constructed thereon? If friars owned these edifices they certainly passed with land conveyed, and in my examination of the title deed I failed to find reservation. These syndicates demand to be placed in possession of their purchased estates, and certainly we should protect the people in their legal rights and ascertain what they are before these demands are complied with. Religion and humanity compel it.

We come now directly to the real substance of the letter of your grace, which is that the friars must be placed at once in possession of their properties and parishes, not only as a legal right due them, but for controlling political reasons, since that is the sure and only course which can be followed to bring pacification to the islands. Some of the legal objections to such a course are given above. That it would satisfy or pacify the inhabitants I am firmly of the opinion that it would not, and hence it loses its force as a political necessity. On the contrary, after a careful study of the nature and disposition of the people of the islands (and I have persistently interviewed leading men from all sections of the same at every opportunity during the last eighteen months of my stay here), I am positive that no act on the part of the United States Government would so excite, irritate, and cement them in rebellion as to place among them the members of four of the eight religious orders domiciled here. You allude to the temper of the Tagalos of southern Luzon, whom you are aware would not receive them. I speak for other portions of Luzon and the southern islands. Even now the people of Panay are engaged in circulating a petition pray-

ing that the friars be not permitted to return, and should they do so I am certain that their lives would not be secure. A like bitter sentiment prevails in Negros, and is perceived in Samar and extreme southeastern Luzon. We can not force the friars upon the people against their consent, and you, as a distinguished American citizen, would not advocate such action. If I am mistaken in my impressions, the circulation of these religious men among the people dwelling beyond the confines of Manila would show my errors; but, having an interest for their personal safety, I could not encourage such a test. Since your arrival I have labored with Filipinos of education and prominence who profess Catholic doctrine and lead consistent lives, to ascertain their views, informing them of my opinion that the reception by the people of those friars against whose reputation no moral taint is known appeared to be the best solution of the church difficulty which now confronts us and which I think to be serious, and they have invariably asserted that the Filipinos will not receive them. I would that I could entertain your views in the matter, that we might consistently act as you advise, but I am powerless to do so.

Your grace will pardon the length of this letter. Certain matters which you called up needed answer, and I have attempted reply. I am not versed in either the canon or civil law, and of the statutory and common law of our country I know but little. My opinion on legal points, therefore, is not of value. I am fully convinced, however, that this question of friar property requires much investigation and careful determination before radical Government action is taken. I am not willing to inaugurate such action until instructed by superior authority as to its proper nature and extent.

With assurances of high esteem, believe me, your most obedient servant,

E. S. OTIS,

*Major-General United States Volunteers,
United States Military Governor in the Philippines.*

Later, the College of San Jose and the phantom of vice-royal patronage again became the subject of official correspondence. Allusion to that and other matters which were related to church establishments and friar estates, in a friendly conversation to which little importance was attached at the time, appears to have given rise to the following communications:

MANILA, April 6, 1900.

Major-General OTIS,
Military Governor of the Philippines.

SIR: In the hope that before the arrival of the United States civil commission you may for your own sake modify some of the views which you expressed to me in our conversation yesterday, and to the end that I may state my position more clearly than I did, I beg to make the following remarks:

You told me that from the fact of the Spanish Government having contributed toward the erection of the cathedral of Manila one-third of its cost, you had been advised that said cathedral ought to be considered as Government property, although you agreed that it should be dedicated forever to the purposes of the Roman Catholic Church.

I answered that even if such contributions were as a matter of fact given, that money was as absolutely appropriated for that purpose as were the funds which the Spanish Government regularly contributed toward the maintenance of Catholic worship in these islands. That the Spanish Government under solemn conventions with the Holy See had the right to do so, no man who has studied Spanish law and political history will dream of denying. Moreover, the cathedral of Manila has been since its erection recognized by the Spanish Government as belonging absolutely to the Catholic Church, and the diocesan authorities as having from the time of its dedication full control over it as a building belonging to the archdiocese of Manila. I am bound to conclude that your legal advisers have been clearly mistaken in the opinion which they have given you.

With regard to your depriving the medical faculty of the University of Santo Tomás of the ancient and undisputed right to confer medical degrees, you, as military governor in these islands, could have done so only for the purpose of public safety and temporary expediency, as such measures are taken under martial law. You acknowledged to me that the final decision concerning the properties and administration of the medical faculty of said university could be rendered only by other Federal authorities.

Your refusal to allow at the present time the medical faculty of the university to give degrees in medicine and pharmacy, notwithstanding the earnest petitions of clever young men who have concluded with distinction their course of studies in that celebrated institution desiring to obtain university degrees, and being loyal to the American flag, supposes that your Government looks upon the exercise of such venerable and ancient vested rights, which in the past have been used so wisely, as dangerous to public safety. That such a fear is groundless any man who knows the situation here in Manila will readily understand.

As you know, it was clearly understood at the time of capitulation that the then existing teaching institutions should not be disturbed or deprived of their rights. The various faculties of the University of Santo Tomás are thoroughly loyal to the American Government. You said nothing to me as to the standard of the course of studies pursued. It could be easily proven that the medical and pharmaceutical standards of examination are at least as high in the College of San Jose as those approved of by many of our American medical faculties. In saying this I knew whereof I am writing; why, then, should we buffet our friends and wink at the wicked machinations of our enemies?

I understood you, moreover, to say that the transfer of properties by religious corporations in 1898 were invalid and that you had therefore refused those transfers to be registered. It is clear that until the Paris treaty was ratified, the Philippine Islands were not under the sovereign jurisdiction of the United States, but under that of Spain, and therefore it is evident that up to that time transfer of property could be legally made under the sanction of Spanish law.

From the principle enunciated by you it would clearly follow that all transfers of property from the beginning of our war with Spain until the ratification of the treaty of Paris would also be null and void. I submit that this principle can not be held. It would be no valid answer to say that the titles which the friars held were clouded. So might other titles have been. The properties in question belonging to religious corporations should not be dealt with in a different manner from properties claimed by civil corporate bodies, for it is clearly stated in one of the clauses of the treaty of Paris that the properties of ecclesiastical corporations will be guaranteed by the United States Government in the same manner as the properties of any other corporate body. This is another clear and solemn declaration of our fundamental law which condemns all class legislation as entirely repugnant to a republican form of government.

It is an elementary principle that long undisturbed possession carries with it the presumption that the actual holder has a valid title. He can not be ousted unless his title is in the first place clearly proven invalid. To decide otherwise would be either confiscation or criminal usurpation, which, I am sure, the Federal judicial authorities will never countenance. I must avow that I am greatly surprised at the opinions given by your legal advisers. Some of them, no doubt, labor under the delusion that the old relation between church and state practically exists yet in these islands, and that an American governor may act in the quality of vice-royal patron of the church as the Spanish captain generals did. Some other of your advisers seem to me to be animated with a narrow-minded spirit of hostility to the Catholic Church, whilst they should look at the question presented to them from a disinterested and American point of view.

As you seem to greatly disapprove the course of the newspaper *Libertas*, especially concerning the orders you have given about civil marriage, I shall make a thorough investigation of the matter; an ample apology will be made for anything that might have been said contrary to Catholic doctrine and to American interests. As self-defense is the first law of nature, you can not blame the organ of a religious corporation to defend the interests of said corporation when they are, as they have been for months past, unjustly, calumniously, and vilely attacked by a certain press here in Manila which is anything but friendly to us Americans. Moreover, non-Catholic ministers of the Gospel have most viciously attacked here in Manila the friars, and openly held up to ridicule the religion of the immense majority of the people of this archipelago.

Permit me, General, to avail myself of this occasion to thank you sincerely for the courtesy and kindness with which you have treated me personally since my arrival in Manila.

With sentiments of the highest regard and profoundest esteem, I remain,

Your obedient servant,

P. L. CHAPELLE,
Abp. N. O., Del. Ap.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., April 12, 1900.

Right Rev. P. L. CHAPELLE,
*Archbishop of New Orleans, Delegate Apostolic to Cuba,
Porto Rico, and the Philippine Islands, Manila, P. I.*

SIR: In reply to your letter of the 6th instant, permit me to state by way of introduction, that I have no legal advisers in the strict sense of the term and that my views, which you request me to modify for *my own sake* before the arrival of the United States civil commission, are apparently misunderstood by you. Further, that as far as Government action is concerned, it is of little importance what the character of those views may be.

In the conversation which you mention and which followed the very friendly call with which your grace honored me, I alluded to the fact that the payment of rentals for certain church buildings occupied by the United States authorities had been directed, and remarked that I had received a heavy claim for rental arising from the occupancy of the Manila cathedral by the Spanish troops while prisoners of war. This I intimated was without validity, as those troops were occupying the cathedral as a "cuartel" before the surrender of the city, and under the terms of surrender the Spanish authorities stipulated that their troops should continue in the occupancy of their "cuartels" until final disposition was determined upon; that the Spanish Government had an undoubted right to continue in such occupancy without assistant or deterrent action on the part of the United States; that the Spanish Government had probably taken possession under an emergency; that it doubtless had the requisite authority to do so, independent of any very stern war necessity; that it had contributed largely to the erection of the edifice from the public civil funds, amounting to at least one-third of its cost. (It has since been ascertained that the general government and the municipality of Manila paid two-thirds of the cost of the edifice.) I believe that you agreed with me that the claim made against the United States Government had no legal basis.

The subject of the transfer of friar estates was then alluded to, and I remarked that there had been very large transfers since October, 1898, to which I understood you to say that these transfers had been the subject of action since 1890. I then remarked that certain deeds of transfer which I had seen, and the proceedings connected therewith, did not appear to satisfy the registry laws of the islands.

In regard to the Medical College of San Jose, I based the action taken by the United States authorities on facts which had been found, and said that all matters connected with the subject of friar estates must be passed upon by superior authority, and that any action which I might take would be of a temporary character.

The subject of newspaper controversy was introduced, I believe, by an allusion to the part recently taken by * * * and which I pronounced indiscreet, to which you assented. Your Grace informed me that a certain newspaper was about to or might soon indulge in a series of articles of a certain nature which you stated, when I virtually acknowledged that such articles would be defamatory and should not be published; and in the conversation which ensued I expressed the opinion that all newspapers gave trouble, even the paper published by the friars called the "Liber-tas," which I had been officially informed had made a direct attack upon the validity of the marriage law recently promulgated.

The above, as I recollect, covers the substance of our conversation, except that I expressed the view that all moneys appropriated for the erection of the cathedral were given for certain purposes and uses, which should be executed.

In my communication of February 15 I gave my opinion quite fully upon the changed relation of church and state in these islands, brought about by their cession to the United States, and remarked that the latter would not claim or exercise any privilege or prerogative which was purely ecclesiastical in character, intimating, however, that it might have supervision over church properties and the administration of the same. That opinion has not been changed. Still, as I have already said, it is of slight importance what opinion I may hold upon these points. The new civil commission will soon arrive, and I presume that the consideration of all such questions has been delegated to it by the executive power of our Government.

In conclusion, your Grace will permit me to say that I considered our recent conversation unofficial, embracing a recital of recent events, with comments thereon, and an exchange of private impressions; hence I have attached no importance to it.

With assurances of highest esteem, believe me,

Most sincerely, yours,

E. S. OTIS,
Major-General, U. S. Volunteers, Military Governor.

The foregoing reply was very hastily written and did not discuss the newly asserted "venerable and ancient right" of the University of St. Thomas to conduct the affairs of the College of St. Joseph, hitherto invariably denied, since it is believed that the management of the college vests legally in civil government, which exercised it for many years after the expulsion of the Jesuits, when the property of that order became strictly colonial, and subsequently descended to the United States by the terms of the Paris treaty. This was the contention of the large Filipino medical society, and was in consonance with the theory formerly entertained by Spanish statesmen. Nor was it deemed important to consider again "royal patronage," which by former unqualified admissions lost existence with the passing of Spanish sovereignty. The closing of the college to await the investigation, which the claim of interested representative Filipinos made necessary, did not deprive candidates for medical honors of the privileges they desired to obtain, as a medical board had been called which passed upon their professional qualifications, and through this those found qualified were admitted and licensed to assume the duties of physicians. I am clearly of the opinion that the property of the College of San Jose, real and personal, except such portion as may have been supplied by the Dominican order (the order with which royal assistance, public funds, and private bequests has developed the University of Santo Tomas), belongs to the United States Government. But owing to the many questions which arose to be decided in order to make the consummation of action in accordance with that opinion justifiable in the judgment of all parties claiming interest (questions, too, which will have weight in reaching conclusions as to the character of the legal status of friar estates in the Philippines, and must receive mature judicial determination), the contemplated proceeding of reorganizing the college under a strictly civil management, has been held in abeyance.

In the communications which we have herein set out during this discussion of superior education, in which the College of San Jose figures largely, other matters arising from the relationship existing between the military government and church property have been introduced. More definite allusion will be made to them at once, the subject of superior teaching being dismissed with the remark that no definite action on the part of the military government has been taken with regard to it further than to reestablish the nautical school of the islands, to which reference will be made hereafter. The higher educational institutions of Manila, controlled by the friar orders, have been in active operation during the year, with the exception of the medical college of San Jose.

Classed among "pious establishments" under the ecclesiastical branch of the general government was the corporation of "The Mount of Piety and Savings Bank of Manila." This institution had received large deposits, had contracted many loans, and was in fact a Government institution. The management prescribed by the Spanish Government had been continued, and rumors of illegal transactions were circulated. The inspector-general of the department and corps, Lieutenant-Colonel Miley, was directed to make a thorough investigation of its affairs, which he did, finding much material for adverse criticism. A letter of which the following is a copy was thereupon transmitted:

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, December 30, 1899.

His Grace the ARCHBISHOP OF MANILA.

SIR: My attention has been repeatedly called to the management of certain charities located in Manila alleged to be public in their nature and all under the collective designation "obras pias." On pages 293-296 of the Official Guide of the Philippines, 1898, I find it stated that these charities are directed and administered by two boards denominated the directive and administrative boards of pious works. The attributes of the former appear to extend to matters of general control and supervision, for which purpose it exercises inspection over the latter. You appear as president of the directive board, and associated with you as members are several prominent civil officials of the Government, including the intendente general, president supreme court, and the attorney-general. The administrative board was presided over by an associate justice of the supreme court, and had a recording secretary, an accountant, and an agent, all named by the Governor-General upon the recommendation of the directive board; and it appears that said administrative board was required to submit statements of its administration every six months, one copy to the directive board and one to the Governor-General.

To assist me to an understanding of the legal status which the institution known as the "obras pias" may have, and of the duties and obligations devolving upon the Government in respect to it, I have the honor to request that in your official capacity as president of the directive board you will cause to be furnished me (1) all laws, decrees, and orders in force pertaining to said institution; (2) the personnel of its directive and administrative boards at the time of United States occupation, to wit, August 13, 1898, and (3) their personnel as at present constituted, together with the changes that may have been made therein during the period of United States control and the authority by which such changes were made.

It is desired that a list of the specific charities under the control and administration of these boards should also be submitted. If any are exclusively supported by alms or donations, that fact should be stated, and if any are possessed of resources, real or personal, or both, a list of the same is desired with statement of the source from which derived, private or public. If there are other charities which, though similar to the above, are not included among the "obras pias," and whose administration has been heretofore, either in whole or in part, vested in the church, but under the supervision of the Government, I should be pleased to receive similar data from you respecting them.

I should also be much gratified if your Grace could find it convenient to acquaint me, at an early date, with your views as to what the future management and control of these several charities should be under the new conditions.

Very respectfully,

E. S. OTIS,
Major-General, U. S. Volunteers, Military Governor.

Courteous response was made to this written request and the affairs of the institution are still under consideration in connection with those of other incorporated entities designated "pious establishments" and managed for the most part by the organized clergy of the islands. Periodical official inspections of the accounts of the bank were instituted, and while it is believed a shortage in funds occurred during the early period of United States occupation, proper accountability is now being enforced.

In regard to Church properties used for military purposes the following letters indicate the general action taken:

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., February 14, 1900.

His Grace ARCHBISHOP CHAPELLE,
Apostolic Delegate, Islands of the Philippines.

DEAR SIR: I am in receipt of two communications containing requests preferred by his grace the archbishop of Manila submitted through you with remark; the one asking for the return to the Church authorities of a convent at Malabon, I believe; the other asking that certain sacred articles belonging to the Church and now held in possession by certain officers of the United States Army be turned over to the archbishop of Manila.

I was not aware that the action complained of at Malabon had been taken, and written directions to have the property returned to the party from whom taken will be issued at once. I believe there are certain articles belonging to the Church in the possession of the commanding officer of the arsenal, who informed me of that fact a few days ago and who was directed to retain them in his keeping until proper disposition could be made. He will now be directed to turn them over to his grace the archbishop of Manila, as requested.

I am greatly annoyed that acts of this character should be committed, and have given repeated directions to officers to prohibit them. These instructions have been regarded in general. At the south, especially at Taal and a few other cities, churches and convents were guarded, and soldiers not permitted to interfere. The commanding officer at Taal is now guarding the church there, anxious to turn it over to its proper representative. The commanding officer of another regiment placed one of his officers in arrest for attempting to enter a church, and retained him in captivity for some time, although he had not attempted to take possession of or remove any articles.

Of the churches and convents occupied in these islands by the United States troops, only four have been used from which insurgent soldiers have not been driven. The archbishop of Manila and his associates have on one or two occasions made tender of church and convent edifices for the United States troop occupancy in case they were desired for that purpose.

Very respectfully,

E. S. OTIS,
Major-General, U. S. Volunteers, U. S. Military Governor in the Philippines.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 17, 1900.

His Grace the Right Reverend Archbishop CHAPELLE,
Apostolic Delegate for Cuba, Porto Rico, and the Philippine Islands, Manila.

SIR: I have the honor to acknowledge the receipt of your communication of the 15th instant, in which you inform me that his grace the bishop of Cebu intends to visit his diocese very soon, stating your belief that he will be gladly received by the inhabitants of that island; and you suggest that the commanding officer of United States troops in that section be invited to extend to the bishop the courtesies due his position, remarking that attention bestowed would be highly-appreciated by the recipient, the clergy, the people, and yourself.

You further invite my attention, first, to certain claims for rent believed to be due by the United States Government for its occupancy of the Malate Convent; second, to the allegations of the parish priest of the pueblo of Dolores, Tayabas province, charging the cruel killing of a boy and the robbing of the church there by United States troops on February 22 and 27 last past.

You also inclose with your communication the application of the right reverend bishop of Nueva Segovia for the payment of a rental for church buildings at Vigan, which he states are occupied by our military forces.

In reply thereto permit me to state that from information obtained I am of opinion that the right reverend bishop of Cebu will be favorably received by the people of the city of Cebu, and I desire to express my pleasure that he has determined to make his contemplated visit. I will communicate to the commanding officer of the troops there his intention and bespeak for him the courteous welcome he desires.

The payment of rental for the occupancy of the Malate Convent, which I directed to be adjusted some months ago, will be attended to at once.

The acts of wanton cruelty and robbery alleged to have been committed in the pueblo of Dolores will be thoroughly investigated.

The communication of the right reverend bishop of Nueva Segovia has been referred to the commanding general of the district of northwestern Luzon for report upon extent and character of occupancy by United States troops of church property at Vigan.

With assurances of high consideration and esteem, I remain,

Most sincerely, yours,

E. S. OTIS,
Major-General, U. S. Volunteers, U. S. Military Governor in the Philippines.

The transfer of real estate to which the religious orders claimed title and right of immediate possession to foreign business syndicates or corporations was attempted immediately upon United States occupa-

tion, and, judging from the dates of certain real-estate options or contracts, prior thereto.

The friar estate, consisting of nearly all land from the Laguna de Bay westward to the seacoast and from the shore of Manila Bay southward to the Cavite province southern line, containing some 12,000 or 14,000 acres of land and centering at the town of Imus, was passed to a foreign syndicate, and the title deeds were transmitted by it to the Washington authorities for acknowledgment of validity of transfer, on the plea that the registry office of Cavite province had been destroyed by the insurgents and had not been reestablished making registration under Spanish law impossible. The papers were sent to Manila for remark and were submitted to Chief Justice Arellano for opinion upon the question of right to register under the Spanish law. After an exhaustive review of that law, the chief justice rendered the opinion that the title deeds did not show compliance with the registry law and could not be registered; whereupon the papers were returned to Washington with the full copy of the opinion submitted.

In December a communication was received from a British subject, Mr. Warner, of the Manila business firm of Warner, Barnes & Co., asking that protection be furnished to engineers engaged in surveying a friar estate embracing the town of Pasay and environments, province of Manila, to which the following reply was rendered:

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., December 12, 1899.

MR. C. I. WARNER,
Messrs. Warner, Barnes & Co., Manila, P. I.

SIR: I am directed by the military governor to acknowledge receipt of your communication of the 11th instant, wherein you ask for protection for members of an engineer corps who are engaged in the work of surveying, remeasuring, and erecting corner monuments on the property known as Hacienda de Pasay.

In connection therewith a petition has been received from the inhabitants of that town challenging your title to property or your right to engage in this work. You will, therefore, postpone any further proceedings in the matter until it can receive proper investigation.

Very respectfully,

C. H. MURRAY,
Major and Inspector-General, U. S. V., Secretary.

In February Mr. R. H. Andrews, a British subject, claiming to represent the Philippine Sugar Estates Development Company, Limited, made application to be placed in possession of the company's recently acquired land. The application and the correspondence which ensued are as follows:

MANILA, P. I., *February 12, 1900.*

THE SECRETARY OF THE MILITARY GOVERNOR IN THE PHILIPPINES.

SIR: The Philippine Sugar Estates Development Company, Limited, incorporated in Manila, has acquired the ownership of the following lands on the island of Luzon, viz:

Estate.	Province.	Acres.
Calamba.....	Laguna.....	41,024
Santa Rosa.....	do.....	12,499
Binan.....	do.....	8,649
Santa Cruz de Malabon.....	Cavite.....	42,621
Naic.....	do.....	20,216
Lalombog.....	Bulacan.....	12,197
Pandi.....	do.....	24,757
Oriong.....	Bataan.....	5,175

At present these lands are largely in the possession of tenants of the company, holding possession by leases from the former proprietors. Since the 4th of February, 1899, these tenants have been forced by the rebel government to pay to them the rents. These rents are yet being secretly collected by the emissaries of the rebel government. It is now the intention of this company, wherever practicable, to assert ownership and collect the current rents, and they respectfully ask military protection for the persons of the administrator and his agents wherever the United States has established its authority. We have been requested by many principal tenants to organize our administration so that the work of planting and harvesting crops may proceed and they may be secured from illegal extortion, as they wish in many cases to procure the assistance of the company to provide them with animals and means to carry on their farming operations.

I have the honor to be, yours, very respectfully,

R. H. ANDREWS, *Managing Director.*

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, February 13, 1900.

Mr. R. H. ANDREWS,
*Managing Director the Philippine Sugar Estates Development Company, Limited,
Manila, P. I.*

SIR: I am directed to acknowledge the receipt of your communication of February 12, and to state in reply that nothing is known at this office of the company entitled as above indicated, nor of the ownership of the land which you say it has acquired.

It is not understood how the company you name could have acquired title to 225 square miles of territory in populous districts of Luzon and the charge of such a numerous tenancy as now occupies that territory.

Very respectfully,

C. H. MURRAY,
Major and Inspector-General, U. S. V., Military Secretary.

THE PHILIPPINE SUGAR ESTATES DEVELOPMENT COMPANY, LIMITED,
Manila, P. I., February 14, 1900.

Maj. C. H. MURRAY,
Inspector-General, U. S. V., Military Secretary.

SIR: I have the honor to acknowledge receipt of your letter dated 13th instant.

The Philippine Sugar Estates Development Company, Limited, was incorporated on the 29th of January, 1900, and registered in the Registro Mercantil, in this city on the 13th of February, 1900, under the existing laws.

The company acquired title to the mentioned lands by purchase and transfer, and the necessary deeds have been executed and delivered.

The company has an office at No. 17 Anloague, Binondo, and has already commenced administration.

Very respectfully,

R. H. ANDREWS,
Managing Director.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., February 26, 1900.

Mr. R. H. ANDREWS,
17 Anloague Street, Manila, P. I.

SIR: In connection with your request recently submitted to this office in regard to the Sugar Plantation Company of the Philippines (Compania de Hacienda Azucarera de Filipinas), I am directed by the military governor to request that you submit to this office the articles of incorporation of said company.

It will facilitate the disposition of the matter in hand if you will furnish both English and Spanish copies of said articles.

Very respectfully,

C. H. MURRAY,
Major and Inspector-General, U. S. V., Secretary.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 10, 1900.

To Mr. R. H. ANDREWS,
Managing Director the Philippine Sugar Estates Development Company, Limited,
Manila, P. I.

SIR: I am directed by the military governor to acknowledge the receipt of your communication of this date inclosing certain papers (enumerated below) in connection with the estates to which you assert ownership.

1. No. 475. First. Copy of deed of sale of various country properties situated in the provinces of Laguna, Cavite, Bulacan, and Bataan, August 8, 1898.
2. Translation in English of the above.
3. No. 75. First. Copy of articles of incorporation of the Philippine Sugar Estates Development Company, Limited, in Spanish, dated January 29, 1900.
4. Translation of the same in English.
5. Description of the eight estates claimed by this corporation in English.
6. By-laws of the Philippine Sugar Estates Development Company, Limited, in Spanish, dated January 29, 1900.

Respectfully,

C. H. MURRAY,
Major and Inspector-General, U. S. V., Secretary.

The papers submitted were referred to Attorney-General Torres for examination, and for report upon the legality of this real-estate transfer. He soon thereafter rendered an opinion, relying exclusively upon facts which the papers disclosed. He first deals with the question of the right of foreigners to hold real property in the islands, citing the royal decrees on the subject, thereafter deduces the facts in this particular case and draws his inferences. The opinion is as follows:

MANILA, P. I., April 2, 1900.

In none of the ancient laws or provisions upon the subject of vacant lands belonging to the state is there any provision found relating to the occupation, possessing, or acquirement of lands of this description by foreigners.

Regulations of June 25, 1880.—Neither in the regulations for the adjustment of lands, dated June 25, 1880, nor the royal decree of September 26, 1884, nor the royal order of September 7, 1888, is there any provision found referring to the right of foreigners to acquire and hold vacant lands.

Regulations of January 26, 1889.—Only in the regulations for the sale of lands of the state, approved by royal decree of January 26, 1889, published in the Manila Gazette of March 20, 1889, is it provided that adjudications of vacant lands of the state to foreigners can be made, and then only under the conditions expressed in article 21 of said regulations, which are:

First. That they reside in the Philippines and be registered in the respective consular records.

Second. That in case they transfer their residence or domicile to another country, they must dispose of the real property which they have acquired to a resident in the Philippines; and

Third. That in case of succession the heirs or devisees who do not possess residence in the Philippines, and do not meet other legal conditions, must dispose of the lands to residents.

The acquisition of real property in Philippine territory by foreign associations, companies, or concerns, whether domiciled in the islands or not, is absolutely prohibited.

Royal decree of February 13, 1894.—The royal decree of February 13, 1894, published in the Manila Gazette of April 7, 1894, establishing regulations relating to the adjustment and alienation of public lands and property of the towns and its use as commons in the Philippines, provides in article 4 that full ownership of all public lands which may have been subject to adjustment according to the royal decree of June 25, 1880, and which adjustment had not been petitioned for prior to the date of the publication of this decree in the Manila Gazette, shall be understood to have reverted to the State. No claim upon such lands which any person who may have been entitled to petition for their adjustment may make shall prevail in any or at any time, unless the petition is made prior to the date indicated.

Article 18 contains the following: "Adjudications of public lands to persons not Spanish subjects can only be made under the following conditions:

"First. That the persons to whom the lands are adjudicated reside in the Philippines, and are registered in the respective records.

"Second. That if they transfer their residence or domicile to another country they shall be required to sell the real property which they may have acquired to a resident in the Philippines.

"Third. That in case of succession, the heirs or devisees who do not possess residence in the Philippines, or other prescribed legal conditions, shall be under the same obligation to sell the property as the first owners."

Acquisition of real property in territory of the Philippine Islands by foreign associations, companies, or corporations is absolutely prohibited whether they are domiciled in the islands or not.

Law of 1870 in regard to foreigners.—The law of foreigners of July 4, 1870, published in the Manila Gazette of September 18, 1870, in article 3, divided foreigners into three classes—domiciled, transient, and emigrant.

Article 31 provides that no foreigner shall be an elector or eligible for public offices filled by popular election, nor other offices, nor to ecclesiastical benefits as expressed in article 32, nor is he subject to military service according to article 37.

Article 38 says: "Foreigners may acquire and possess all sorts of real and personal property in Spanish colonial territory."

Article 40 says: "Foreigners may engage in wholesale and retail commerce, but are subject to the operation of the code of commerce and other laws, regulations, or provisions in force on this subject. The existing prohibitions regarding the discharge of public mercantile functions by foreigners remain in force."

The civil code took effect December, 1889.—The civil code was published in the Manila Gazette, No. 317, dated Sunday, November 17, 1889, together with the royal order of August 6 and the royal order of July 31 of the same year, extending its operation to the Philippines, and took effect from December 8 of the same year, viz, 1889.

Article 10 provides as follows: "Personal property is subject to the law of the nation of the owner; real property to the laws of the country in which it is situated. Nevertheless, legal and testamentary succession, both as to its order and as to the proportion of the rights of succession and as to the validity of its dispositions, is subject to the national law of the person whose succession is in question, whatever may be the nature of the property or the country in which the property is situated."

Article 27 provides: "Foreigners enjoy in Spain the rights which the civil laws grant to Spaniards, excepting as provided for in article 2 of the constitution of state or international treaties."

Article 28 provides: "Corporations, establishments, and associations recognized by law and domiciled in Spain shall have the privileges of Spanish nationality, provided always that they have the character of legal entities according to the provisions of the present code. Associations domiciled in foreign countries shall have in Spain the consideration and rights determined by treaties or special laws."

Two plans have predominated, as a general rule, in international law as applied to private persons who are foreigners, to wit: One granting to foreigners all the privileges of civil law without any condition of reciprocity; another having reciprocity as its basis and a measure of the rights which may be granted to foreigners in each State. Of these two plans the Spanish code of commerce accepted the first, establishing the rule that foreigners not naturalized or domiciled may engage in commerce in Spanish territory, subject to the rules agreed upon in treaties.

* * * * *

The code of commerce took effect from the 9th of December.

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The last paragraph of article 21 provides: "Foreign associations desiring to create or establish branches in the Philippines shall submit and record in the register, in addition to their regulations and the documents which are required from Spanish associations, certificates issued by Spanish consuls to the effect that they have been organized and authorized according to the laws of their respective countries."

As the archipelago during the Spanish sovereignty was ruled and governed by special laws communicated by the colonial minister by means of royal decree all legal dispositions published in those islands are changed or repealed by the same means by which they were put in force—i. e., by royal decrees or royal orders issued by the colonial minister. Following this principle in the matter of public lands said royal decree of February 13, 1894, is preferable as to application and observance of the said law of foreigners, the regulations and the commercial and civil codes, especially when the fact is considered that said royal decrees were issued for the purpose

of regulating the adjustment and alienation of public lands belonging to the State and matters relating to the property of the towns subject to use as commons.

Instrument of sale of the eight plantations of the Dominican friars.—By a written instrument, dated August 8, 1898, some days before the capitulation of Manila and its surrender to the army of the United States, which took place on the 13th of said month, Father Candido Garcia, the representative of the Corporation of the Spanish Dominicans, resident in the capital, sold eight parcels of agricultural property or plantations, situated in Calamba, Binan, Santa Rosa, Naic, Santa Cruz de Malabon, Pandi, Lolombo, and Orion, to Mr. Richard Henry Andrews, a British subject, for the sum of 3,830,000 pesos, for the purpose of organizing with said property an agricultural joint stock company within two years, with the proviso that said corporation should have no right to recover the property after said company had once been organized and registered, and that it should be bound to conform to the by-laws of the company.

In an instrument made in Haiphong, Tonkin, dated January 18, 1899, before the notary, Francis M. Mercier Lou, and two witnesses, Señor Don José Torres, bishop, and four Dominican priests, resident in said French colony, declared that they had agreed and resolved to organize a universal association of all properties in all parts of the world of which they were owners for the purpose of engaging in all sorts of legitimate business and performing all sorts of operations for the purpose of acquiring property and mortgages and the loans useful and necessary for making profits.

It was provided that the association should be administered by the managing director, who is the only person authorized to sign for and manage the business for the association, with full general powers under all circumstances and other special powers stated in the document or act of constitution. It is finally stated that for the execution of the agreement the parties thereto designate their respective homes in Haiphong as their domiciles.

Articles of incorporation.—By a written instrument, dated January 29, 1900, in this capital, Mr. Richard Henry Andrews, a British subject and merchant, Don Baldomero de Hazanas, a Spaniard and an attorney at law, acting as general and special agents of the universal association of property before mentioned, which association has its domicile in Tonkin, according to the power of attorney which is quoted, and Señor Barry Baldwin, whose nationality is not stated, formed and founded by mutual agreement a joint-stock company called the Philippine Sugar Estates Development Company, Limited.

The capital stock of the company is 5,000,000 pesos, and as the principal condition Mr. Andrews conveys to the company organized the title to the eight plantations, which is obtained from the Dominican fathers of the Philippine Islands represented by Father Candid Garcia Sales.

Señor Hazanas, in the name of said association in Tonkin, conveys to the joint-stock company organized all the rights which the said association of the province of the Holy Rosary has acquired by the agreement of the said date, January 29, 1900.

The number of shares into which the capital stock of 5,000,000 pesos is divided is 50,000, of the par value of 100 pesos each.

Of these shares 41,015 shares, of the par value of 4,101,500 pesos, go to the universal association of property domiciled in Tonkin, and become the property of said association as the founder of the other and the concessionaire of the rights of the Dominican corporation to that part of the purchase price of the real property sold by it to Mr. Andrews, which Mr. Andrews still owed, and of the other rights reserved by the former association in the agreement of August 8, which it afterwards conveyed to the association represented by Mr. Hazanas, with credits calculated at 200,000 pesos.

Eight hundred shares, of the par value of 80,000 pesos, go to Mr. Richard Henry Andrews, and become his property as founder, and as grantor to the association organized, of the title to the property which he has acquired and conveys to the same.

One hundred shares, of the par value of 10,000 pesos, shall be retained in the treasury and be delivered to Mr. Baldwin as founder, when he subscribes for 2,300 shares, of a par value of 230,000 pesos, which he agrees to place.

The result of the three documents quoted is as follows: According to the first, on the 8th of August, 1898, Spanish sovereignty still ruling in the archipelago, the representative of the Corporation of Dominican Friars, resident in this capital, sold eight haciendas or parcels of agricultural real property, being the property of said corporation, to the British subject, Mr. Richard H. Andrews;

That, according to the document dated January 29, 1900, said Mr. Andrews, a Mr. Barry Baldwin, whose nationality is not stated, but who appears to be a foreigner also, and the other foreigner, a Spanish subject, Don Baldomero de Hazanas, repre-

senting the universal association of property in Haiphong, Tonkin, by a bishop and four Spanish Dominican friars, as stated in an instrument made in said French colony on the 16th of January, 1899, organized the joint stock company entitled The Philippine Sugar Estates Development Company, Limited; and Mr. Andrews conveyed to said joint stock company the title to the eight plantations purchased from the Dominican friars, which represented the greater part of the capital stock; and as Mr. Andrews had only paid to them 1 per cent of the purchase price of the property, the universal association of Tonkin, represented by Señor Hazanas, acquired the interest which the Dominican corporation possessed to said plantations, or to their purchase price which Mr. Andrews, the purchaser, still owes according to another instrument of conveyance dated January 29, 1900, issued by the representative of the Corporation of Dominican Friars of this capital in favor of said association, also of Spanish Dominican friars domiciled in Tonkin.

From all the foregoing it is deduced:

First. That the said company or association organized in this capital is a foreign company.

Second. That the concessionaire and true owner at present of said eight plantations situated on this island of Luzon is thus a foreign association, organized by foreign friars resident in Tonkin, their representative in this capital being also a foreigner, whose company, composed of individuals domiciled in said French colony, is the possessor and owner of the large majority of the shares of stock of said joint stock company organized in this capital.

In order to show that the absolute prohibition established in the second and last part of condition third of article 18 of the royal decree of February 13, 1894, issued by Minister Maura, is applicable to the joint stock company for which Mr. Andrews is agent, it is not necessary to examine the titles of ownership of the eight plantations sold by the friars to a foreigner and representing the principal basis of the capital stock of the foreign joint stock company. It is sufficient to read simply the second part of said third condition of said decree, by which the acquisition of real property, i. e., all sorts of lands in the Philippines, is absolutely prohibited to foreign associations, companies, or concerns, whether domiciled in this archipelago or not, they being incapable of acquiring and owning real property according to the definite declaration of the law.

The title deeds to ownership of said eight parcels of real property undoubtedly state—

First. To what class of lands the said eight parcels of real property belong, their history, and how they were acquired.

Second. Whether the original owners, being citizens of this territory, have been awarded the lands by adjustment with the State according to the royal decree of June 25, 1880.

Third. Whether the property is recorded in the respective registers of property.

Under all circumstances and notwithstanding the contents of said titles, it is certain that, by virtue of said Maura decree, foreign associations, companies, or concerns were absolutely prohibited from acquiring real property in the territory of these islands, whether domiciled in these islands or not. Consequently, if the Government of the United States maintains the force of the often-quoted royal decree of February 13, 1894, in the Philippines, which decree was in force at the time the sovereignty of the Union superseded that of Spain, Mr. Andrews could not legally convey the eight before-mentioned plantations to the associations of joint stock company, of which he is managing partner, inasmuch as a foreign company could not and can not possess or acquire real property in this archipelago, and much less could the Corporation of Spanish Dominican Friars of this capital make a lawful grant or conveyance of its ownership and rights in said plantations to the Universal Association of property organized by members of the said corporation domiciled in Haiphong, Tonkin, according to the express prohibition stated in said decree of Maura.

This royal decree, being the last legal disposition in order of all those quoted above, having been issued in 1894 (long after the codes, the laws of foreigners, and the regulations quoted), has repealed all provisions of the same relating to real property which foreigners and foreign associations, companies, and concerns may have acquired or possess in these islands. It is also very necessary to consider that said Maura decree was issued for the express purpose of regulating the adjustment and alienation of public lands and matters connected with the property of the towns and its use as commons.

The foregoing is the opinion of the undersigned, whose duty it is, in view of the documents examined and the legal dispositions quoted, to give this information concerning the private persons interested for the Government of the United States in the Philippines, with deference always to a more correct opinion.

FLORENTINO TORRES.

This opinion suffers somewhat in expressed clearness, because of the faulty translation from the Spanish which we have been obliged to present, but it appears to be exhaustive and conclusive. It refutes the charge made on page 302 of this report, that the military government of the islands was applying the United States law or some law other than the Spanish (which was applicable to conditions) in considering illegal the transfers of friar estates, and was withholding the assistance which it should render. The cases cited include all which have been presented for determination or government action.

In my last annual report I said:

The Banco Español-Filipino is the only bank which has the power to make paper issue. Under Spanish concession and in return for loans made to that Government, it was granted the privilege of issuing its notes amounting to three times its capital stock of \$1,500,000, and its paper dollar is considered the equivalent of the Mexican silver dollar. The Spanish Government had representation in the management of this bank, and recently the bank invited the United States authorities here to avail themselves of this privilege by the appointment of an accredited agent, which invitation has been declined, as such action might be construed to be an acknowledgment on the part of the United States of its obligation to recognize under treaty promises the validity of the Spanish concession.

The paper issue of the bank amounts to one and one-half millions of Mexican dollars, which are now popular with the inhabitants. The bank was embarrassed for a time because of the loan of nearly \$1,800,000 to the Spanish Government, but it has recovered and its stock has considerably appreciated. As no government action had been taken in acknowledgment of its Spanish concession, it, on September 14 of last year, served a paper pleading its right to such recognition, to which reply was made that the plea must await the consideration of supreme United States authority. The correspondence is here inserted to show the nature of the claim and the force of the argument by which it was supported.

MANILA, *September 14, 1899.*

THE UNITED STATES MILITARY GOVERNOR IN THE PHILIPPINES.

SIR: The Spanish Philippine Bank, founded with proper authorization in 1851, has since that time enjoyed the exclusive privilege of issuing notes payable at sight and to the bearer, and, recognized by royal decree of February 7, 1896, acquired an extension of its privilege of exclusive fiduciary issue to the year 1927.

This exclusive privilege of issue for fiduciary circulation, recognized, as you are aware, in many nations, is a right pertaining to the sovereign power, which may either reserve it for the State or public treasury, hold it in abeyance, or instead of monopolizing it may authorize the free exercise of the privilege. Again, it may concede the monopoly as an exclusive privilege in favor of some determinate person or corporation to the exclusion of all others, imposing upon both natives and foreigners the prohibition of conducting similar operations in the territory. This point, as a universal principle of law, requires no further demonstration.

In case the public power chooses to concede the monopoly in favor of a determinate entity, such as is the Spanish Philippine Bank in these islands, the act performed by the sovereign power constitutes what is called in positive law a concession—either administrative, gratuitous, or onerous, but always obligatory upon the conceding party and the concessionaire as termed in legal entail—which has all the efficiency of a royal right, although it may be originally and essentially a personal right. This point, it would appear, requires no further demonstration, as it is a sequel of the principle already established and is so construed in Spanish laws.

Being an entail of right, which is strictly obligatory on the party making the concession and upon the concessionaire, the privilege to the latter is of a strictly onerous character, and the former may not withdraw it at pleasure, but is obliged to maintain it for the period assigned, unless on account of some well-founded and powerful public exigency it becomes necessary to rescind the concession; and even then complete indemnification for all loss and injury suffered by the concessionaire must first be made. The legal conclusion is obvious, also the subsidiary obligation,

being the only manner in which failure to comply with obligations which are efficient in principle can be adjusted. Moreover, express legislation and continuous jurisprudence in Spanish written law can be adduced. Hence the concession of a right pertaining to the sovereign power to a private entity is an efficient title which causes, as an effect, the incorporation into the property of the concessionaire of the right alienated by the State, so completely that it becomes his just the same as the property and rights which form his estate, by whatever title he may have acquired them. This assertion seems to be a true corollary to the foregoing propositions.

When sovereignty over peoples and territories is changed or transferred, the public ties connecting the extinct power with the inhabitants of the dismembered and annexed country are broken; but the rights incorporated into the property of individuals, corporations, and associations remain unchanged. They are rights which suffer no change whatever, because they had substance and life of their own, independent to their subordination to the sovereign. This is a principle universally recognized in international law, confirmed in all treaties occasioned by the most recent wars recorded in history. Among many precedents which might be cited, the following is prominent because of its analogy:

By article 7 of the treaty of the 27th of March, 1864, upon the annexation of Greece to the Ionian Islands, the King of the Hellenes assumed as though executed by himself all obligations and contracts legally celebrated by the previous government or in its name by the British protectorate, with either foreign governments, companies, associations, or private individuals. Express mention was then made among these obligations of the privileges and concessions made to the Ionian Bank, the Austrian Lloyd Maritime Company, and the Malta and Mediterranean Gas Company.

The concession of the privilege under consideration is of an onerous character. The royal decree of February 7, 1896, which authorized the extension of the privilege for a further period of twenty-five years not only imposed conditions and rules upon its exercise and exploitation, but also determined and specified statutory bases, the respect and maintenance of which can not be disconnected from the preservation of the concession itself. This privilege is not conceded to any bank but the Spanish-Philippine Bank, nor can it be regarded as transferable. It is in the extreme personal. The concessionaire who obtained it is obliged to have the cash capital, which as a minimum is designated in article 1 of the royal decree. He may augment this capital, as per article 2. He must limit himself to operations authorized directly or by reference in article 5. He is obliged to make his by-laws conform to articles 6 and 7, the approval of which is reserved to the minister of colonies by article 9, and by way of compensation for these advantages he is obliged to render the treasury the services stipulated in favor of the State in article 8.

An eminent Spanish statesman, regarded as one of the most learned in the science of law, upon being consulted as to the status of the Spanish-Philippine Bank after the treaty of Paris, rendered a brilliant opinion, from which we will literally transcribe the following lines:

"Article 9 of the treaty of Paris is intended to regulate this subject of change of nationality, and provides 'that *Spanish subjects, natives of the Peninsula*, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they also shall have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.'

"It is evident that the first-cited paragraph of article 9 refers exclusively to *natural persons*, the only ones which can be included within the initial phrase which I have underscored. It does not, therefore, concede to the bank the faculty of retaining Spanish nationality by means of the requisite of declaration within the year. Article 9 has, in addition, a second paragraph, which reads thus: 'The civil right and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.' These latter therefore became at once subject to the sovereignty of the North American Republic. If the second paragraph be interpreted as limited to natural persons the exclusion of the bank regards the ability to retain, by means of expressed option, the old Spanish nationality, is sufficient; and if it is assumed that a body corporate constituted in Ma

and there created is *native* to the Philippines, the declaration of the second paragraph of article 9 brings us to the same conclusion.

"The text of the treaty gives plain evidence that no distinct and deliberate thought was given in order to define the nationality of bodies corporate. The omission signifies that these persons obtained no franchise or exception, and they required this in order to become separated from the collective neutralization of all the inhabitants. Although it is idle, after what has been said, to discuss the intentions of the high contracting parties of Paris, but little is risked in supposing that in case express mention had been made of bodies corporate constituted and domiciled in the Philippines they would not have been conceded the privilege of retaining the old nationality, inasmuch as it was not granted natural persons born in the Philippines, even though their parents were Peninsular Spaniards. Even those systems of law which treat with the greatest respect the autonomy of the body corporate do not go so far as to give it advantages, nor to entirely make it equal to a human being in respect to its civil personality and its various attributes. It is the opinion of the lawyer undersigned, beyond doubt, that by virtue of the treaty of Paris the Spanish-Philippine Bank lost the Spanish nationality which it formerly had, and as a body corporate is at present numbered among the subjects of the United States of America, to which the sovereignty of the archipelago was transferred."

As representative of the stockholders who formed this banking association, which for nearly half a century, although surrounded by an atmosphere of restriction, has enjoyed a successful existence, thanks to this privilege of fiduciary issue, it is exceedingly gratifying to the board of directors that such is the status of the bank. The time has arrived for them to appear before the superior authority of your excellency, as the representative of the sovereignty which has taken the place of its former protector, and to offer you the assurance of respectful adhesion and acknowledgment, informing you that among the prerogatives which the new Government possesses by virtue of the tutelary functions, is that of naming as a member of the board of directors of the bank a representative who has a name and power of government syndic, whose appointment, should your excellency please to make such, would be accepted with great pleasure for the present by the board and later by the general meeting of shareholders, who will be notified, and the entire association will feel grateful for the honor thus conferred by the Government so worthily represented by your excellency, whose life may God guard many years.

For the Spanish-Philippine Bank,

VENANCIO BALBAS, *Director.*

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., October 7, 1899.

MR. VENANCIO BALBAS,
Director Spanish-Philippine Bank, Manila, P. I.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th ultimo, in the matter of the bank of which you are a director, as to its status under United States sovereignty, and particularly as to its exclusive privilege of fiduciary issue in the Philippine Islands, which under the terms of the bank's charter and the royal decree of February 7, 1896, you claim it has the right to enjoy until 1927.

While I have not had the opportunity as yet to fully acquaint myself with the laws and decrees under which the bank is organized and conducts its business, I am prepared from the limited examination I have made to indicate my substantial concurrence in the view I understand you to express, that by the terms of the treaty of Paris the bank has become impressed with the nationality of the Philippines and is subject to the authority of the United States, and that it has not the option even under the treaty to continue its business in these islands retaining its previous nationality. I may also give concurrence to the view that while the bank entity does not fall within the strict letter of the second paragraph of article 9 of the treaty, it may be possibly within its spirit. But in the absence of necessity for immediate action, the bank's status and privileges, particularly those relating to fiduciary issue and which are peculiarly appropriate because of their nature for the determination of Congress, should in my opinion be reserved for the action of that body.

For the reasons indicated, and as neither the necessity or advisability for immediate action is demonstrated, I must decline for the present to act upon the several requests contained in your letter, and await the action of higher authority, to whom this correspondence will be submitted.

Very respectfully,

E. S. OTIS,
*Major-General, U. S. Volunteers,
U. S. Military Governor in the Philippines.*

The cable and railway concessions granted by Spain to The Eastern Extension, Australia and China Telegraph Company, Limited, and The Manila Railway Company, Limited (both foreign corporations), gave rise to a good deal of official correspondence—that with the cable company on demands for payment of United States Government service which it had performed, and that with the other company on presented subvention claims and railway requests for certain specified Government action.

The cable company had received three concessions, dated, respectively, February, 1879; October, 1897, and March, 1898. The first gave it permission to lay a cable between Cape Bolinao, western coast of Luzon, and Hongkong, a distance of 475 miles. The company was to receive a subsidy of \$4,000 a month during ten years, and the exclusive privilege of maintaining a line between the two points for forty years. The line was opened on May 8, 1880; hence subsidy terminated May 7, 1890. The Spanish Government was given priority in transmission of messages, and free service during period of subsidy, or ten years, and thereafter priority of transmission and one-half rates until the termination of the period of exclusive privilege, or until 1920. The second is known as the Visayas cables concession of 240 miles. It permitted the company to lay a line between Luzon and Panay, between Panay and Negros, and between Negros and Cebu, and paid in monthly installments a subsidy of £4,500 per year for twenty years. The line was opened for traffic in October, 1897; hence subsidy does not terminate until 1917. The Spanish Government was to receive priority of transmission of messages at half rates and 10 per cent of the profits of the cable business after deducting expenses, which were not to exceed £6,000 per year. The third concession permitted the extension of the Hongkong and Cape Bolinao cable to Manila. Spain promised to extend the monopoly, or exclusive cable privilege granted to the company in the Hongkong and Cape Bolinao concessions for twenty years. Hence company holds exclusive privilege of operating a cable line between those two points until 1940. This concession also gives to the company exclusive landing rights in all the Pacific Spanish possessions, with exemption from taxation, Spain, however, reserving the right to redeem this exclusive landing privilege by paying £5,000 a year during the unexpired portion of the extension time. It was also agreed in this concession that during the first ten years of the extended period of the extension privilege Government dispatches would be transmitted free, during the next ten years at one-fourth of the ordinary traffic rates, and during the remainder of the period at one-half commercial rates.

To be somewhat more explicit as to money considerations promised by the Spanish Government and the privileges the company was to enjoy, they were, as apparently understood by the cable company and as appears by an English translation of the published concessions, as follows:

First. As to the Hongkong and Bolinao concession, Government has privilege in priority of transmission, and free transmission of Government telegrams over the Bolinao-Hongkong cable. No subsidy payments, as they terminated in May, 1890. The company has the exclusive privilege until 1920 of laying and maintaining cables between terminal points, namely Hongkong and the coast of Luzon between Cape Bojeador and Cape Bolinao.

Second. As to the Visayas cables concession of October, 1897: The company is to work at its own expense and risk the cables for twenty years; that is to say, until November, 1917, receiving £4,500 a year to that date. Government is to have priority of transmission of messages and to pay half rates (or 25 centimes of a franc, equal at present exchange to 10 cents Mexican per word), and to receive 10 per cent of the profits of the business after deducting the expenses of operations, which are calculated at and not to exceed £6,000 per year. The Government also to receive a surcharge of 5 centimes of a franc on messages to places beyond the islands of Panay, Negros, and Cebu. The company has exclusive landing rights in the islands of Luzon, Panay, Negros, and Cebu for the twenty years; also grant of land for building offices at the different stations.

Third. As to the Hongkong and Bolinao extension concession of March, 1898: No money is to be paid by Government, but the company receives an extension of its monopoly for twenty years (to expire May 8, 1940) of the right to work and lay cables between Hongkong and Manila, and an extension of the landing rights for a period of twenty years of *joining all Spanish possessions in the Pacific and of connecting them with other countries*, to reckon from the date the Hongkong-Manila cable is open for working. The Government may at any time redeem this exclusive privilege by the annual payment to the company of £5,000 for each year that remains unexpired; but the company will retain the landing rights between Hongkong and Manila. The company has a right to exemption from taxation and local rates and the employees to have the same privileges and immunities as those of the Government. Government telegrams will be free of charge over the Manila-Hongkong cable for the first ten years of this last concession, at one-fourth of the ordinary traffic rates for the next ten years, and at one-half of those rates thereafter, and until the expiration of the concession in 1940. The Government has the right to levy a terminal tax of 25 centimes of a franc on all full-rate traffic emanating from Luzon and passing over this cable, and 9 centimes of a franc on all press work. The company also has the right to a free land grant for building a station in Manila.

Taking the first and third concessions together, Government will have free service till 1907; from thence to 1917 it will pay one-fourth of the commercial rates, and thence to 1940 half rates, and is entitled to priority in transmission of messages. Under the second concession (Visayas cable) Government must pay £375 per month until 1917 and 25 centimes of a gold franc for every word transmitted, but will receive 10 per cent of the profits after deducting expenses of operating lines, such expenses to be considered as limited to £6,000 a year.

The claims received from the cable company arise under the second or Visayas concession. The United States has paid full commercial rates, or 60 cents for every word transmitted, over the Manila and Hongkong line which the first and third concessions affect. Hence, if the last-mentioned concessions are held to be obligatory, the company is indebted to the Government. The claims which have been presented, and which have been prepared in accordance with the terms of the second concession, cover a considerable period of time prior to the ratification of the Paris treaty, during which, it is contended, that the Spanish Government is responsible. It is at least so till December 10, 1898, when the provisions of the treaty were completely formu-

lated and agreed to by the commissioners. However, as the landing station of the company at Capiz, northern Panay, and the overland Panay telegraph line to Iloilo could not be utilized on account of the action of the insurgents, the War Department on February 28, 1899, authorized it to extend its cable facilities from Manila to Iloilo, thus cutting out its Capiz connection, which it did, and gave the United States telegraphic service with its troops stationed at Iloilo. It completed this work on March 18, since which date Government has been charged the preferential rates of the concession. Later, under War Department authority, it abandoned its overland facilities across Negros and Cebu, and laid cable direct from the city of Iloilo to Cebu. This War Department authorization might be considered tacit recognition, but the military administration never recognized in any manner the first and third concessions. The company's bills are still held in abeyance, awaiting instructions from Washington, to which all correspondence has been sent.

The concession to The Manila Railway Company, Limited, with terminals at the cities of Manila and Dagupan, gave subvention payments in case of reduced earnings of road after completion and granted property, powers, and privileges of a somewhat extraordinary character. The railway was taken possession of by insurgents shortly after the war of the rebellion was inaugurated and was recovered by the military authorities in December, 1898, which operated it until March, 1900, when the following orders were issued:

SPECIAL ORDERS, } OFFICE OF THE UNITED STATES MILITARY GOVERNOR
No. 8. } IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 10, 1900.

I. Mr. Horace L. Higgins, resident representative of the Manila and Dagupan Railway Company and its duly appointed general manager and chief engineer, who has heretofore declined to receive or take possession of the said road, its stock, or property since its capture from insurgent supervision and control without an invoiced statement on the part of the United States authorities of the condition of said road and property and damages sustained by it since February 4, 1899, having now signified his willingness and desire to receive the same on behalf of the company upon receipt of agreed inventory of the property which is in the actual possession of the United States Government—the said inventory to be taken by a board of army officers in connection with agents whom he may name:

Now, therefore, a board is hereby appointed to meet at the railway offices in Manila on Thursday next, the 15th instant, at the hour of 9 o'clock a. m., which, in unison with the agents appointed by Mr. Higgins, will carefully take account of stock and enumerate all railway property which is at present, or has been, in the actual use of the United States Government since the road or any portion of the same has been operated by it for its convenience and benefit. The board will also state in its report of inventory the condition of the road and roadbed when captured from the insurgents (noting particularly whatever damage resulted from the act of God or the public enemy), its present condition, the cost of labor and material expended thereon by the military authorities since its capture, and the purposes of the outlay.

Detail for the board: Capt. William L. Sibert, Corps of Engineers; Capt. Charles W. Mead, Thirty-sixth Infantry, United States Volunteers; First Lieut. Charles F. Parker, Second United States Artillery; Second Lieut. William P. Wooten, Corps of Engineers.

The board will expedite its labors in order that transfer of the road to the owners of the same may be made as soon as practicable.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 9. }

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., April 6, 1900.

I. For temporary purposes, and to meet existing emergencies, the request of the Manila and Dagupan Railway for a modification of past existing passenger and freight rates is approved in part, and the modified rates are fixed as follows:

The maximum charge for traffic, both passenger and freight (the classification heretofore prevailing being continued), shall be:

PASSENGER.

	Mexican.
1st-class passage, per kilometer	\$0.038
2d-class passage, per kilometer	0.029
3d-class passage, per kilometer	0.016

FREIGHT.

1st class, per ton per kilometer	\$0.047
2d class, per ton per kilometer .....	.033
3d class, per ton per kilometer .....	.024
4th class, per ton per kilometer .....	.020

The above freight rates are applicable to all hauls of 20 kilometers or more, and for hauls less than 20 kilometers the maximum charge may be the same as for a haul of that distance.

EXPRESS RATES.

The maximum charge shall be, per ton per kilometer, \$0.20 (Mexican).

This rate shall prevail for all hauls of 20 kilometers or more, and for hauls less than 20 kilometers the maximum charge may be the same as for a haul of that distance.

GOVERNMENT TRANSPORTATION.

Government service shall have precedence over all other railway transportation business, and the entire rolling stock of the road must be held available for its necessities in cases of emergencies, as determined, announced, and directed by the military authorities.

At the option of the Government its transportation service may be conducted on a car kilometer basis instead of computing its railway dues on the above classification of rates, as has hitherto been done.

On the car kilometer basis the following maximum rates may be charged:

	Mexican.
For a 7-ton wagon, per kilometer	\$0.14
For a 14-ton wagon, per kilometer	0.28
Passenger car, per kilometer	0.14

and the above schedule of rates shall be applicable to all hauls of 20 or more kilometers, shorter distance being computed at 20 kilometers.

The Government will furnish train guards and give such other protection as in its judgment may be required. The municipal authorities, upon call from commanding officers of districts, will confer such limited police powers on civilian employees of the road at its several stations as may be considered necessary.

Employees on trains will request commanders of train guards to arrest disorderly persons, or those interfering with the proper operation of the road, with which requests these commanders, in their discretion, will comply.

In the transaction of non-Government business the railway authorities shall make an equitable distribution of the facilities of the road among all persons desiring to utilize it as a common carrier.

The schedules of trains shall be submitted to this office for approval.

Any character of transportation, or a retention of rolling stock by Government for special purposes, not hereinabove provided for, shall be matter for special agreement.

II. The chief signal officer of the department will furnish to the authorities of the Manila and Dagupan Railway Company a sufficient quantity of wire and fixtures to complete the laying of two additional telegraph wires on the telegraph railway line, this being required to meet the necessities of the military government.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

It was desired, soon after the road was captured, that the company take possession of and operate it, but the delay which intervened is explained in the following correspondence, and there is shown therein to a certain extent the nature of the concession under which the company claims ownership:

FERRO CARRIL DE MANILA A DAGUPAN,
Manila, January 25, 1900.

Maj. C. H. MURRAY,
*Inspector-General, U. S. Volunteers,
Secretary to Military Governor, Manila, P. I.*

HANDING OVER OF RAILROAD, INVENTORIES, AND ASSESSMENT OF DAMAGES.

DEAR SIR: In answer to your indorsement No. 1 to our letter No. 79 G. A., of 15th ultimo, viz: "By command of Major-General Otis the management of the railroad will be turned over to the railway company at any time desired, the line having been temporarily repaired, suitable for present service by the United States Army." I would respectfully state:

That on June 10, 1899, the same offer was verbally made to me by the military governor, and on the 15th of the same month, after having seen the depot quartermaster and asked as a preliminary step that a joint inventory of property and assessment of damages should be made, I received the reply that "the railway property was considered as captured from the insurgents; that whatever there was, as such, would be turned over to me; that we could inventory our property at our convenience, but that the United States Government declined to take part."

On June 17 I, representing the Manila Railway Company, pointed out that this decision on the part of the Government made it impossible for me at that time to again resume the management.

Your answer, received on the 18th of June, 1899, being to the effect that "the matter of exchanging formal inventories * * * could not be considered. The United States would hand over the railway property in its possession and all of which it took from the insurgents without any formality whatever, and it would be delivered into the hands of Mr. Higgins at any time he might be able to operate the road," on the 23d June, 1899, I respectfully protested against this decision and asked for a reconsideration, * * * also stating that I considered the inventory of property to be of such vital importance for the company that in case of the Government refusing to consider the matter I would propose to ask the British consul to name an independent person or persons to be present at the inventories and would invite an agent or agents of the United States Government to be also present. Your answer of the 29th being—

"The military governor directs me to say that there is no objection to the action Mr. Higgins contemplates, * * * but the United States declines to commit itself to any action which may constitute a basis for future claims. * * * The offer has been made on the part of the United States to turn over * * * property which still remains good. A nonacceptance of this offer may absolve the United States from payment of any damages which might be preferred arising since the date of that offer." * * *

On the 30th June I had the honor of advising you that the British consul had named two independent persons, with the necessary technical knowledge, to be present at our inventories, which would be commenced on the 5th July.

From this latter date up to the 4th August, although some minor difficulties had to be arranged, everything went well, a workable arrangement having been come to with the depot quartermaster about the issue of stores and material, etc., the store inventories furnished at Manila and well in hand at Calocan. Between the 4th and 9th of August, however, all our work and arrangements were rendered useless by arbitrary action on the part of the United States officer in immediate charge of the line. This I had the honor to inform you of at that time, protesting against said action, no answer having been received to my protest up to present date.

Between the 9th August and 7th November nothing further was done with regard to railway inventories or assessment of damages. But on the 8th November, a second arrangement having been come to with Major Devol, depot quartermaster, we again started on the inventories of the running stores and material, completing same on the 15th December, I then having the honor of pointing out the importance of some arrangement being made with regard to permanent repairs * * * and asking if some indication could be given with regard to handing over the line.

Circumstances have considerably altered since the first offer of the Government to turn over the railroad property, provinces which were then in rebellion having been pacified, and the whole extent of the railroad since the 20th November, ultimo, having been under the control of the military authorities.

The foregoing is, I believe, an exact resúmen of what has taken place up to date with regard to the handing over of the line, and I need hardly add that the interests of the company have and are suffering great prejudice by the delay, entire stoppage of traffic revenue, and want of a definite and equitable arrangement with the Government.

I would here say that since the 10th June I have kept the three following points in view:

(1) To be able to respond to the company for property under my immediate charge at 4th of February, 1899.

(2) To take over management without any friction and without upsetting communication and transport arrangements between Manila and the front.

(3) To as soon as possible get the line into such a state of repair as would enable same without danger to be opened to the general public as far as military regulations and requirements would permit.

I would now respectfully point out that so as to be able to come to any definite arrangement it is absolutely essential that a joint assessment of damages sustained by the road and accessories be made between the Government and company, as without this procedure it would be impossible for me to submit to my company for their action a valid statement of facts.

I would therefore solicit that a joint assessment of damages sustained, with a view of ascertaining cost of putting the road and ACCESSORIES INTO THE SAME STATE AS THEY WERE IN ON THE 4TH OF FEBRUARY, 1899, be made at the date of handing over the railroad property, as failing this requisite it would be impossible for me without evident prejudice to the interests of the company to again take over the management.

Yours, very respectfully,

HORACE L. HIGGINS,
General Manager and Chief Engineer.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., February 11, 1900.

Mr. HORACE L. HIGGINS,
General Manager and Chief Engineer,
Manila and Dagupan Railway Company, Manila, P. I.

SIR: The Military Governor directs me to inform you that he has considered your letter of the 25th ultimo, wherein you set out the correspondence which has taken place on the subject of turning over the possession of the Manila and Dagupan Railway by the United States authorities to you as its legal resident representative; also the action which has been taken by you and the United States authorities to accomplish such transfer; this in partial response to an indorsement from this office on your inquiry of December 15th last, asking "if the present situation permits that some indication be given by the Government to the company with regard to the handing over of the line," which indorsement is in language as follows:

"The road is now in working order throughout its entire distance, having been recovered from the insurgents, and is at least temporarily repaired, suitable for present service by the United States Army. It will be turned over to the railway company at any time desired; in fact, the authorities of the United States War Department would be glad to have Mr. Higgins take over the road and operate it, that Department paying a fair compensation for all services rendered it."

After presenting your "résumé of what has taken place" and the reasons for your recent course, you reach the following conclusions, viz: "To be able to come to any definite arrangement it is absolutely essential that a joint assessment of damages sustained by the road and accessories be made between the Government and the company, as without this procedure it would be impossible for me to submit to my company for their action a valid statement of facts. I would therefore solicit that a joint assessment of damages sustained, with a view of ascertaining cost of putting the road and accessories into the same state as they were in on the 4th day of February, 1899, be made at the date of handing over the railroad property, as failing this requisite it would be impossible for me without evident prejudice to the interest of the company to again take over the management."

The facts cited by you, in so far as you cite the action of the United States Government, are, I believe, correctly set out in your letter, but you omit to state that in a conference with the military governor the latter urged you to take over and operate the road and offered to turn over to you, without cost, claim, or demand for payment, sufficient new and unused rails, with ties or sleepers for the same, to lay 8 miles of track, which property the United States had recently purchased and delivered in Manila at a cost of \$265,000 (Mexican), exclusive of cost of transportation of rails from place of purchase in the United States, and with which you might place the road in fair condition; and you were told furthermore that no claim would be made for large labor payments which the United States had met in order to restore the breaks in the road resulting from the wanton attempts of the insurgents to effect its complete destruction.

It now appears that you decline to receive the property because the United States authorities will not unite with you in making "a joint assessment of damages sustained by the road and accessories" since the 4th day of last February, with a view of ascertaining cost "of putting the road and accessories into the same state that they were in" on that date. That is, if you are correctly understood, you demand that the United States shall unite with you in establishing the basis and amount of a claim to be preferred against the former by the railway company to cover all railway losses during a period from February 4, 1899, to date of prospective transfer—the claim to include all railway damage and losses during that entire period—and this notwithstanding the fact that the Government of Spain is responsible for such losses or damages (if any responsibility attaches to any government) to April 11, the date of ratification of the late Paris treaty, and that all damages done to the railway were inflicted thereon while in possession of the insurgents and being operated by them or the duly appointed agents of the railway company under the insurgent direction. That is, simply stated, you demand as a condition precedent to taking over the road an assessment by the United States Government, guided by agents of your company, of all losses suffered by the road at the hands of insurgents since February 4 last, with the intention on your part of making a future claim for amounts thus assessed against that Government, notwithstanding the fact that the United States Government has no information as to the amount of property the road possessed at the time it took possession of the same, and the further fact that it has not committed any of the damages which the road has suffered, that being the deliberate work of insurgents or of floods during insurgent occupancy.

It will readily occur to you that the United States authorities in these islands cannot place themselves in the position you desire unless the Government is obligated to repair or make good through money payments, or by its labors, the losses and damages sustained by the road since the 4th of February, 1899. And it is doubtless clear to you that such obligations do not attach unless they arise under some very special, specific conditions which are contained in the franchise which the road enjoys, since it is a well-established rule of law that a government is not obligated to reimburse the inhabitants of a country for pecuniary losses suffered by them through the act of God, or the public enemy, whether belligerent or insurgent, or whether that enemy consists merely of unlawful combinations of individuals engaged in hostile action. The law not only absolves the Government from liability for such losses, but even permits it to destroy individual property without making recompense, when such destruction becomes necessary in the establishment of peace.

The conclusion that there exist special conditions which make Government responsible for these railway damages or losses the United States can not accept.

By referring to the numerous royal decrees and orders which contain the various concessions enjoyed by the road, it is ascertained that the completed franchise as finally determined upon was granted on the 21st day of January, 1887. It was to run for ninety-nine years. The work of construction was to commence within six months following the date of the franchise, and the road was to be entirely finished and in working order within four and one-half years from that time. That during the construction of the road the Spanish Government agreed to make good all losses suffered by it in cases of "force majeure," as expressed in article 40 of the schedule of general conditions for the contracts of public works. Referring to article 40, here alluded to, we find that it reads as follows:

"The contractor shall not be entitled to indemnification for the losses and damages caused to the works except in cases of 'force majeure.' For purposes of this article the only cases to be considered as 'force majeure' shall be the following:

"First. Fires caused by atmospheric electricity.

"Second. Damages caused by earthquakes.

"Third. Damages due to the commotions of the grounds where works are constructed.

"Fourth. Damages caused by force of arms, popular seditions, or riotous robberies.

"The contractor shall subject himself to the provisions of articles 2, 3, 4, and 5 of the regulations of July 17, 1868, for the purpose of claiming and obtaining the indemnification of the damages by him suffered."

Referring to these regulations it is seen that contractors, in cases of "force majeure," shall be indemnified for losses resulting from unusual floods; "(10) damages caused in time of war by belligerent forces; (11) damages caused by popular insurrections; (12) riotous robberies; (13) destruction by earthquakes."

It appears, then, that this protection was given the railroad company while the road was being constructed, and was not intended to follow it during the ninety-nine years, the period of time over which the concession extended. This conclusion must be reached, unless it is positively stated in the franchise that such extension of the application of the "force majeure" regulations, intended for the protection of contractors while engaged in the construction of public works, covers the period of the ninety-nine years, the full term of the railway concession.

Such positive declaration or agreement between the Spanish Government or the railway company does not exist, and that the Spanish Government did not intend that there should be any misconstruction of intention in this particular, it placed in the last clause of section 6 of the concession agreed upon this condition:

"There shall also be taken into account, for the corresponding increase of the capital which is to bear the interest, the amount of the losses and prejudices caused to the works during the construction of the line, in the cases of 'force majeure,' referred to in article 40 of the schedule of general conditions for the contracts of public works, when, according to the provisions of the regulation for the declaration and payment of prejudices, approved by decree of the provisional government of the 27th of November, 1868, the payment thereof to the concessionaire is proper, who in this case shall be considered as contractor."

This, in itself, appears to be the equivalent of a positive declaration to the effect that payment for losses and prejudices caused in case of "force majeure" is limited as to this railway to the period of construction.

Had you in your request merely asked the detail of officers to assist you in taking an account of the stock of the railway preparatory to having the same turned over to you it would have been readily complied with.

It is greatly regretted that you have declined to receive the management of the railway, as offered, since your compliance would have greatly simplified matters; would have, it is believed, been beneficial to the company you represent, and to the inhabitants who live along the line of the road and greatly desire to ship their crops and merchandise.

The military authorities are therefore obliged to continue in possession much against their inclination and desires, and must look to it that civilians receive some of the advantages in the operation of the road now contemplated.

Inclosed please find copy of an order issued the 10th instant, and which is intended to take effect to-morrow.

Very respectfully,

C. H. MURRAY,

Major and Inspector-General, U. S. V., Military Secretary.

The subvention claims of the road have been presented by the consul for Great Britain at the end of each quarterly period of the year. The first was for \$30,293, Mexican, and the one presented for October, 1899, was for \$106,994, it covering a period when the road was not in the possession of the company, and is therefore for the highest demand possible for subvention under the concession. These claims are calculated on an 8 per cent payment, payable quarterly, guaranteed by Spain on a capital limited in the guaranty to \$5,353,700.87, Mexican, less one-half of the gross earnings of the road for the time covered by the payment. All have been forwarded to Washington with explanation.

Something in the nature of concession has grown up through the practice of the Spanish Government and subsequent action of the United States, as the former permitted Chinese residents to establish in the city of Manila, on ground purchased by them, a hospital, a cemetery, and schools, which they formerly controlled under the supervision of

one of their number appointed by the Governor-General of the islands and called "captain of the chinese." No question having any international significance could arise by reason of this permission prior to United States occupation, as the Chinese Government did not have, nor could it obtain, consular representation in the Philippines. A Chinaman entering the islands came as an individual immigrant and was treated as a Spanish subject, whose business and domestic relations were entirely under the control of the local laws. The local law administered upon the estate of a deceased resident Chinaman the same as if he had been a Spanish citizen. The consular privileges which have been granted China by the United States has had the effect to influence Chinamen residing in the Philippines to claim former nationality and the protection of the Chinese consulate, and the consul has appointed subordinates in different sections of the islands, professedly to look after the interests of his countrymen, although these subagents have not received government recognition. He has, however, taken upon himself the management of the institutions which Chinese societies had built up under the rule of Spain, but not without the protest of many members of those societies.

I remarked in my former report, in speaking of the relations between the Filipinos and Chinese, that "not only was the active race enmity and the unfortunate existing conditions which were more or less its consequences giving trouble, but the Chinamen themselves were divided into warring factions." The first consular appointee was bitterly opposed by a large class of Chinese residents, who presented a numerous signed petition for his removal. His successor was the object of bitter attack. Charges of interference with private rights and malfeasance in office were presented. On July 20, 1899, a petition was received citing that the Chinese institutions in Manila had been maintained by collections of money from outgoing Chinamen with the sanction of the Spanish authorities, with whom the records of the same were filed, and that they were managed by a board of twelve directors, composed of representative Chinese residents of the city; that the consul had arbitrarily assumed control of the institutions, or that after his repeated demands the board of directors had decided to transfer the management of the institutions to him and thus relieve themselves from further responsibility and trouble; that since transfer every Chinaman leaving Manila had been forced to pay to the consul the sum of \$6 each, ostensibly for the support of the institutions, but that notwithstanding these required payments the institutions were not supported, and the petitions asked that their control be returned to them. They concluded their petition as follows: "As there seems to be no other manner in which a speedy and adequate remedy can be secured for the matters above set forth, we respectfully lay the matter before your excellency, and request such relief and assistance as may serve to place the said matters on a satisfactory and business-like basis." This was followed soon after by another paper bearing 159 signatures, addressed to the military governor, and reciting:

We, the undersigned petitioners, Chinese merchants, business men, and residents of the city of Manila, would respectfully show:

That the other Chinese residents of the islands are being greatly annoyed and harrassed by the present consul-general in this city, Li Yung Yew, and are being required to pay, by order of the said Chinese consul, fees and taxes which are unjust, uncalled for, and extortionate, as the following statement will show. Previous to the installation of the present consul the Chinese consul-general collected from all

Chinese leaving the city of Manila for China a fee of \$3, which was divided into four funds, as follows: Registration fee (permanent), 50 cents; passport, \$1; Chinese Hospital and Cemetery Association, \$1; Anglo-Chinese school, 50 cents. This fee of \$3, therefore, was found abundantly sufficient to meet all demands, but for some reason, which he has not seen fit to explain, the present consul-general, immediately upon assuming the duties of his office, doubled up all fees, collecting \$6 from all Chinese leaving Manila instead of \$3 as formerly. This fee of \$6 is supposed to be apportioned as follows: School, \$1; registration, once each year, \$1; Chinese Hospital and Cemetery Association, \$2; consulate, \$2. It will be noticed from the above that previous to the arrival of the present consul Chinese were required to register but once at Chinese consulate, for which a fee of 50 cents was charged, but under the present administration it is required that he register each year, for which a fee of \$1 is charged; moreover, said consul has forced all Chinese to submit to this heavy extortion by threats of arrest and confinement unless they comply with his orders, and he has had it printed in Chinese characters on all passports issued by him that unless Chinese register as required by him they will not be allowed to remain in these islands "according to American law." He has also sought to enforce these taxes by issuing proclamations to all Chinese passenger agents, instructing them not to sell any tickets to Chinese to leave these islands unless the purchaser holds a passport, and in order to assure himself that these orders are strictly obeyed the said consul places on all steamers about to sail from Manila his interpreter, Lee Kwong Hing, for the purpose of examining all Chinese passengers to see that they have the required passport. The said Hing upon such occasions is accompanied by one or more American guards, and in case any Chinese shall be found on the steamer who do not hold the passports required, the said Chinese are then and there arrested, taken before the consul, fined, and required to take the passport issued by the consul. * * *

The Anglo-Chinese school above referred to was started as a free institution, to be sustained by fees collected by the consulate from Chinese leaving for China, but since taking charge of the said school the said consul refuses to permit any pupils to attend the said school except at a charge of \$4 per month for day pupils and about \$3 per month for night pupils. On an average 500 Chinese per month leave Manila for China, and as \$1 out of the \$6 collected from each of these is supposed to be appropriated for the school fund the school has from this source an income of \$500 a month. As the expenses of said school amount to a trifle over \$300 per month your petitioners respectfully state that they have no knowledge as to what is done with the surplus income for the said school, excepting the statement made by the said consul to the effect that he, the said consul, was holding the surplus in trust.

For the purpose of assisting in the management of the various institutions above referred to and on other matters the said consul has appointed a committee of twenty-four persons, among whom are Messrs. Lim Ah Im, Koo Hoon Eng, Koh Ley, See Tiat, Ung Lum Tian, and others. The members of this committee hold private meetings of a judicial nature for the purpose of passing upon all civil differences arising between Chinese in this city, and the rulings and judgments of this committee are often most obviously unfair, unbusiness-like, and unlawful. They are a source of great dissatisfaction and discontent to other Chinese residents of the city. This committee is nominated and influenced by the said consul and is merely a figurehead and convenience for him. * * *

Your petitioners would respectfully state that our Emperor saw fit to appoint a consul here in this city for the purpose of protecting the interests of Chinese subjects; but your petitioners are constrained to believe that the present consul has lost sight of the objects of his appointment and is devoting himself entirely to his own personal and selfish purposes, at the expense of your petitioners and other Chinese residents. We have patiently borne with his extortions, exactions, and neglect of duty until we have become convinced that it is our duty to protest against the present state of affairs being allowed to continue. We have no personal animosities against Li Yung Yew, nor personal grievances to avenge, but as law-abiding citizens, paying our taxes to the American Government and conducting ourselves in an orderly manner, we do earnestly protest against the treatment to which we and our fellow-citizens are being subjected by the said consul.

Your petitioners therefore earnestly request that your excellency will take such steps as will afford us the necessary relief in the premises, either by suspending recognition of the said consul or by such other acts as your excellency may see fit, and we would further respectfully ask that your excellency cable the President of the United States the substance of the contents of this petition (such cabling to be at the expense of your petitioners), and your petitioners take the liberty to suggest to your excellency that in case the said consul shall be removed or suspended, that your excellency appoint a captain of Chinese, similar to such appointments under Spanish administration

Trusting our petition may receive your careful and favorable consideration, we beg to subscribe ourselves, etc. * * *

Still another petition, dated October 5, 1899, and signed by 16 Chinamen, was submitted, citing briefly the same facts as the former ones and closing with the following request:

We are convinced, therefore, that the passport of the Chinese consul is entirely superfluous and an unnecessary burden upon the Chinese of the islands, and we appeal to your excellency to see that the same is abolished or that it may be collected on a basis more fair and adequate for all parties concerned.

The allegations made against the consul would, if substantiated, show that he was extending his official powers beyond their legitimate limits, and the substance of the charges received were referred to him "for any remarks he might desire to make on the subject." They were also referred to Major West, U. S. Volunteers, inspector-general at military headquarters, who was directed to make a careful investigation into the institutions concerned, their dates of organization, value, and in whom vested; also, their source of supply and the methods of conducting the same. He was further instructed to inquire into the allegations made against his honor, the Chinese consul-general, of unwarranted action charged against him in connection with these properties and which were claimed to be the properties of Chinese residents.

While investigation was being made the difficulty assumed a new phase. The consul-general complained that an Amoy Chinaman, he who had formerly exercised the office of "captain of Chinese," had caused a certain notice to be posted in the public places of the city, "which contains derogatory statements in regard to my consulship. * * * The proclamations are issued falsely for the purpose of injuring the relations of the Government of the United States and China, and I respectfully request that the author be compelled to remove them and make an apology for the wrongful issuance of the same." The complaint was immediately, on October 17, referred to the provost-marshal-general, who was directed to summon the offender, give him certain instructions, and cause the posters to be removed. The next day the following communication was received, and the reply hereafter appearing was returned:

MANILA, October 18, 1899.

EXCELLENCY: We, the undersigned, members of the foreign consular corps at Manila, respectfully request to place before your excellency's notice the following, which deals with a duly appointed and legally recognized member of the consular corps.

On the 16th instant publicly appeared, posted conspicuously about Manila, a "Notice" in the Chinese language, copy and translation of which is herewith inclosed.

The foreign consular corps, not being able to take cognizance or act in accordance with privileges granted to those representatives possessing extra-territorial jurisdiction, beg to place the matter before your excellency for consideration and attention.

We have the honor to be, excellency, your most obedient servants,

LUIS MARINAS,
Consul-General for Spain.

LI YUNG YEW,
Imperial Chinese Consul.

KRUGER, DR.,
German Consul.

K. MIMASHI,
H. I. J. M.'s Consul.

S. H. HARFORD,
H. B. M.'s Consul.

G. DE BERARD,
Consul for Belgium.

MANILA, P. I., *October 22, 1899.*

To the honorable LUIS MARINAS,

Consul-General for Spain, Dean of the Consular Corps, Manila, P. I.

SIR: I have the honor to acknowledge receipt of a communication of the 18th instant bearing the signatures of the representative consuls of foreign countries represented in these islands, wherein my attention is invited to an inclosed copy of a paper which was published and conspicuously posted in the city of Manila on the 16th instant, and which is considered to be defamatory of the character of a representative of the corps.

In reply permit me to state that previous to the receipt of the communication a representative or official of the consul-general of China called at this office and requested an audience. Upon being admitted he presented a complaint, signed by himself as secretary to the consul-general of China, wherein he stated that "Many circulars in Chinese handwriting are posted on the walls of Manila which contain derogatory statements in regard to my consulate. They are letters that bear the signature of Carlos Palanca."

Although this party complainant was neither accredited in any way by the consul-general of China, nor apparently authorized in any manner to submit an official complaint, I received him courteously and in good faith, and immediately sent for the provost-marshal-general of the city, whom in person I instructed to see to it that the consular representative of China received the respect and attention to which his position as an accredited agent of a foreign country entitled him; that he would inform Carlos Palanca, who was defaming the good name and reputation of the consul-general, that if by any published word or act he repeated his indiscretion he would be severely dealt with by the military government, and intimated further that his removal from the island would be the consequence.

Furthermore, I dictated and caused to be sent to the provost-marshal-general instructions which appear by indorsement on the written complaint of the secretary of the Chinese consul in words and figures as follows:

"Respectfully referred to the provost-marshal-general, who will summon Mr. Carlos Palanca to appear before him and will instruct him that if in the future he circulates by poster or otherwise matter defamatory to the Chinese Government or its representatives in Manila means will be taken to severely punish him.

"The provost-marshal-general will cause the objectionable posters or placards to be removed from the public places in the city and will call upon the Chinese consul-general to furnish the information as to their locality."

On the 19th instant the provost-marshal-general returned the papers in the case with report that the objectionable poster had been removed, that Mr. Palanca had been duly warned, etc.

It seems, however, from a communication which accompanied the papers when returned, and which bore the signature of Mr. Carlos Palanca and was dated the 19th instant, that he, Palanca, had previously visited the provost-marshal-general and obtained some permission, tacit or otherwise, to post a copy of certain instructions which he stated he had received from his superiors in the Amoy province.

What this all refers to I have no knowledge, but Mr. Palanca will now be informed that he is not recognized by this Government as an agent in any manner whatsoever for China, or any of its provinces; that such character vests solely and exclusively in the resident duly accredited Chinese consul-general, the Hon. Li Yung Yew, and that should he interfere with the conferred rights or dignities of that officer he will be dealt with according to his deserts under the law applicable to such offenses.

Please make known to the honorable members of the consular corps that they will receive the respect due them from the Government of the United States and convey to them the assurance of my esteem.

Very respectfully,

E. S. Otis,

Major-General, U. S. V., Military Governor.

The information conveyed to the offender is contained in the following copy of a communication then issued:

MANILA, P. I., *October 22, 1899.*

MR. CARLOS PALANCA, *Manila, P. I.*

SIR: The military governor is of the opinion that the charge which has been made against you of an attempt to discredit the consular representative of the Chinese Empire resident in Manila, and to exercise functions of a political nature wherein the status of Chinese residents are concerned, is apparently substantiated by your communication of the 19th instant, addressed to the provost-marshal-general, and the alleged interviews published in newspapers in which you appear as a party. I am therefore directed to inform you that the Hon. Li Yung Yew is the accredited

and duly acknowledged representative of the Chinese Government to attend to the interests of the Chinese inhabitants resident in the Philippines, and that no other representative of that Government is or can be recognized here. The Chinese consul-general has been placed here by his Government to look after the interests of Chinese residents in the Philippines, and his status and dignity will be given that protection which international law demands. Any further interference on your part in matters over which he has right of jurisdiction, either by act or published word, will be considered an interference with his exclusive functions and will be followed by the proper legal remedy, even to your removal from the islands should a remedy of that nature be deemed necessary.

Very respectfully,

THEO. SCHWAN,
Brigadier-General, U. S. V., Chief of Staff.

During the progress of these proceedings the Chinese consul-general was endeavoring to discipline his refractory countrymen, some of whom declined to register at his consulate and pay registry fees according to his instructions. He had called in person at the military governor's office on several occasions, seeking to have the instructions confirmed and enforced by military orders, asserting fraudulent practices by those who had formerly been in charge of the Chinese schools and charitable institutions of the city; and, finally, upon receiving certain information through the Chinese minister at Washington from our State Department, he made formal demand that the military government look to their execution, when the following letter was sent him:—

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., December 10, 1899.

To the Honorable the CHINESE CONSUL-GENERAL,
Manila, P. I.

SIR: By direction of the military governor I have the honor to acknowledge the receipt of your letters of the 25th of October, November 3, 22, and 25 last, in which you discuss certain supposed existing regulations governing the admission of Chinese to this port, and to invite your attention to the following explanatory remarks and declaratory announcements:

The original regulations to which you refer were promulgated by the collector of customs in his printed circular of September 24, 1898. One of the provisions contained in that circular was inserted by the collector of customs without authority. It reads as follows: "All Chinese entering the port shall register at the office of the Chinese consul or consular agent." The attention of the military governor having been called thereto he directed its cancellation in a letter sent to the collector of customs, of which the following is a copy:

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINES,
Manila, P. I., November 4, 1898.

COLLECTOR OF CUSTOMS, *Manila, P. I.*

SIR: In response to your communication of the 2d instant, wherein you request that the order under date of September 24 be amended by striking out the following lines: "All Chinese entering the port shall register at the office of the Chinese consul or consular agent," I am directed to inform you that the clause does not appear in any of the instructions issued from this office to the customs collector, but in some way seems to have found place in the printed notice issued by your predecessor on the 24th of September last. You will amend that printed notice by striking out the words appearing near the bottom of the third page of the same and reading: "All Chinese entering the port shall register at the office of the Chinese consul or consular agent."

Very respectfully,

C. H. MURRAY,
Captain, Fourth U. S. Cavalry, Aid.

It is not known that the collector took the action ordered, and presumably he did not, for some time after the instructions were given the business pertaining to Chinese immigration was transferred from the collector of customs to the captain of the port, and the latter states that he was not aware of the directed amendment and continued to enforce registration as prescribed in the circular as originally issued.

Subsequently, when the military governor was called upon by the authorities at Washington to report the practices which had been inaugurated here with reference to the admission of Chinese, he directed the captain of the port, who then had charge of the matter, to state the practices pursued, and his responsive report contained the following paragraph:

"On being released from the vessel and being allowed to land, all Chinese must at once register at the Chinese consulate, paying a registration fee, a hospital fee, and the cost of landing him from the steamer with his baggage, usually 50 cents, Mexican money. Any Chinese arriving and registering who are known to be deported criminals will not be allowed to land."

Relying upon the correctness of the response of the captain of the port, this paragraph was in substance transmitted to Washington by letter of April 1, 1899—the fact that the practice reported did not conform to the existing regulations escaping the notice of the governor-general at the time. It appears that a copy of this letter was furnished by the War Department to the Department of State, and that the Assistant Secretary of State, Mr. Adee, communicated the substance to the Chinese minister resident in Washington, in a letter dated August 18, 1899; and it is assumed that a copy of Mr. Adee's letter has been furnished you by your Government, for I find such copy inclosed with your letter of November 22 last, in which you invite special attention to one of its paragraphs containing the language of the captain of the port as hereinafter cited. It is now understood that you construe this letter of the Assistant Secretary of State to be the equivalent of a regulation, authorized or sanctioned by that official, requiring all Chinese, or at least all arriving Chinese, to register at your consulate, for in your letter of the 22d ultimo you say, with reference to the quoted portion of the letter, "It therefore becomes incumbent upon all Chinese to register at this consulate, and certainly all those arriving at this port from time to time."

This construction is in no sense justified. It can not have escaped your notice that the letter of the Assistant Secretary of State, from which the quoted paragraph is taken, purports to be nothing more than a statement for the information of the Chinese minister of all the requirements caused to be imposed by the military governor in the Philippines, with whose discretion in such matters the Assistant Secretary expressly stated, "it seems appropriate and desirable not to interfere." The letter should not, therefore, have been interpreted by you as establishing regulations upon which you could properly base any consular action or policy, but as referring to those regulations already established by the military governor, whose authority to act in such matters as the military situation required was by Mr. Adee fully recognized.

When some time since this business connected with Chinese immigration was transferred back to the supervision of the collector of customs the regulations, as amended, were put in practice and have since continued in force. Prior to this enforcement I regret to say that incoming Chinese have been put to the inconvenience of registering at your consulate, which was not contemplated, and have been subjected by you to the payment of registration fees not expressly authorized in the official regulations established by this office. It is admitted, however, that authorization of registration fees were with some reason assured under the regulations as they existed prior to November 4, 1898, also both registration and hospital fees as it has existed until recently. You will please take note that from this date that incoming Chinese are in no way obligated by this Government to register at your consulate; that their right to come here and remain in no way depends upon such registration; likewise that their right to leave this country does not depend upon their having first obtained a consul's certificate or passport.

The military governor has been forced to this conclusion because by prescribing a course of conduct on the part of the Chinese, as recommended by you, their rights and privileges would be encroached upon, and at the present time an execution of your recommendations is not believed to be in the interest of the United States Government or the Chinese inhabitants. It is possible that your requested requirements may be imposed in the future, but you will not assume that they exist in advance of notice to that effect from this office. All papers necessary for the ingress and egress of Chinese can be obtained from the proper officials.

Other portions of your letter relating to fees (subscriptions) collected from departing Chinese for the support of certain Chinese charities will receive consideration when report is rendered by Lieutenant-Colonel Crowder, U. S. Army, whom I have designated to make full investigation, and who will call upon you for this purpose.

Very respectfully,

THEO. SCHWAN,
Brigadier-General, U. S. V., Chief of Staff.

The matter of ownership or right of management of these Manila Chinese institutions has not as yet been adjusted. If the Chinese in the Philippines are to be considered as island subjects, according to the former Spanish practice, their administration of them as subjects, or as properly created societies of such subjects, and the investiture of the title of real estate connected therewith in those subjects would not be attended by any legal difficulties; but if, on the contrary, they are to be considered as Chinese citizens under the protection of their consular officer, as they now claim to be, they can not hold real property in Manila, and those institutions belong to the United States unless some special governmental concession is granted. Certainly the consul-general of China is without authority to dictate concerning them, and he is not within the limits of his consular jurisdiction when he attempts to collect money for their support.

Until the middle of September, 1899, the question of Chinese immigration gave annoyance. When previously reporting on this matter I said that the subject "had to be considered very soon after occupation. Many of this class of inhabitants had returned to China during the three years of political agitation which had preceded the surrender of Manila. Now, when the United States took possession and a more stable government was predicted, they sought to return. Large numbers, too, who had never resided in the Philippines endeavored to enter in order to take advantage of the reviving trade facilities anticipated. * * * After due consideration of the perplexing questions which presented themselves upon the opening of the port of Manila * * * the conclusion was reached that the application of United States Statutes controlling such immigration to United States territory furnished the best solution." This was done as a military necessity, and so recognized by our Government and China; but the practices at Asiatic seaports permitted numbers of Chinese who had never resided in the Philippines to seek entrance at Manila, and put to the test all the safeguards adopted to enforce the rule. During the above-mentioned month two vessels arrived from the southern Chinese ports having on board 1,696 Chinamen. After an examination continuing through several days some 800 were rejected for inability to show right to disembark, and the steamship company was directed to return them to the ports at which they had taken passage. The resident Chinese consul-general asked that they be permitted to land, and upon his promise to take the necessary precautionary measures to prevent those of his countrymen not entitled under the policy adopted to enter the Philippines the requested permission was given. Since then very little annoyance has been experienced.

On April 28, 1900, one of the proofs of former residence which had been applied, namely, the United States consular certificate issued at the port of embarkation was set aside and the following instructions issued:

The provisions of circular notice issued from the office of the collector of customs of Manila, P. I., dated September 24, 1898, making as a necessary preliminary for the admission of those Chinese laborers to the Philippine Islands who claim to be former residents thereof, with property interests in the same, an United States consular certificate of the United States consul at the Chinese port of departure certifying to such former residence is rescinded.

Hereafter the only evidence of such residence admissible will consist of the duly issued cedula, with satisfactory proof supporting the genuineness of the cedula, and the fact of former residence connected with the fact of having property or domestic interests still remaining in the islands.

On a preceding page (43), in a telegram of General MacArthur's there recorded, it appears that the insurgent authorities asked on October 20, 1899, permission to send to Manila for conference a military commission to arrange difficulties connected with the delivery of the sick Spanish civil and military prisoners and "other matters of a specific character" not specified. The proposed conference was declined for reasons which I said "will hereafter appear in this report." By reference to my report of last year it will be seen that Aguinaldo issued a decree in the summer of 1899 directing his troops not to permit a vessel flying the American flag to enter any coast port under his control; and as all inter-island commerce was carried on under that flag it was by his order virtually suspended indefinitely. One merchant vessel, which was cleared at Manila for the port of San Fernando, northern Luzon, before the existence of this decree was ascertained, was seized and subsequently burned. At this time the Spanish officials in the island were exerting themselves to secure the release from the insurgents of the Spanish prisoners in their possession and had held conferences with Aguinaldo on the subject through a committee which had been permitted to proceed from Manila to Tarlac for that purpose. The results were not reported, but negotiations appeared to be in a state of active prosecution and it was rumored, quite truthfully as then believed, that the insurgents were looking forward to recognition and a large money payment as a consideration for the release of those prisoners. On September 5 this letter was received:

MANILA, September 5, 1899.

Maj. Gen. E. S. OTIS,
Military Governor of the Philippines.

GENERAL: Some days ago I received in a sealed envelope a decree of Don Emilio Aguinaldo, copy of which I have the honor to inclose herewith. From it you will see that the civil prisoners and military prisoners who are ill, are at liberty and concentrated, and nothing now remains to be done but to go for them at the ports indicated. Although I have your overland pass, for which I give my best thanks, I leave to your consideration the insurmountable difficulties which will be encountered in an attempt to bring overland a relatively large number of prisoners, the majority of them disabled. In view of this and relying upon the highly humanitarian purpose I have in view, as well as upon the fact that no negotiations whatever are contemplated, but merely the withdrawal of the sick prisoners already liberated, as has been stated, I earnestly beg your decision at the earliest possible date. I am able to dispose of vessels flying the English or Spanish flag for the purpose of effecting the desired voyage.

Your most respectful servant,

NICOLAN JARAMILLO,
Brigadier-General, Spanish Army.

The inclosure, to which reference is made in the foregoing communication, is as follows:

[Philippine Gazette.—Supplement to No. 3, July 8, 1899.]

PRESIDENCY—DECREE.

Don Emilio Aguinaldo y Famy, president of the Philippine republic, captain-general and commander-in-chief of the army.

Referring to my former decree of the 2d of June last, by which the mixed commission created by the decree of January 23 of the present year was dissolved, the powers of its members devolving upon the secretaries of war and finance, and being anxious to put those decrees into prompt execution, thus alleviating the situation of the prisoners, as well as to please the Spanish commission in its negotiations in this matter, thus affording a proof of the esteem in which its members are held by the Philippine people, by agreement with the council of government, I decree the following:

ARTICLE 1. Civil prisoners, and sick military prisoners who are included in the provisions of my decree of January 23 last, will be concentrated on the 31st instant in the ports

hereinafter named: Those of the provinces of Isabela, Cagayan, Ilocos Norte, Abra, Bontoc, Lepanto, Ilocos Sur, Benguet, and Union, at San Fernando de la Union; Nueva Ecija and Bulacan, at Dagupan; Albay, Sorsogon, and the Camarines, at Daet; Laguna, Tayabas, Cavite, and Batangas, at Santa Cruz or Calamba.

ART. 2. Vessels entering the said ports for the purpose of withdrawing the said prisoners will display in addition to the Spanish flag a white flag with a red cross, and the prisoners comprised in this decree shall be immediately delivered by the authorities of the places indicated to the person or persons who may come duly commissioned by the Spanish authorities for this purpose, minutes of receipt and delivery to be drawn up by both parties.

ART. 3. Orders will be issued by the departments of war and of the interior for the exact and immediate execution of this decree.

Done in Tarlac, July 5, 1899.

The President of the Republic.

EMILIO AGUINALDO.

The President of the Cabinet.

PEDRO A. PATERNO.

After careful deliberation on the request of September 5, and the facts attending the same as then understood, this reply was returned:

MANILA, P. I., September 8, 1899.

Brig. Gen. NICOLÁS JARAMILLO,
Of the Spanish Army, Manila, P. I.

GENERAL: I have the honor to acknowledge receipt of your communication of the 5th instant and have given it mature consideration. While moved by humanitarian sentiments with a desire to accede to your request, I am, as agent of the United States Government, unable to do so; and the so-called "decree" issued by Aguinaldo would alone stop favorable action on my part. To countenance in any manner the presumption of Aguinaldo to limit a Luzon port to Spanish shipping, would not only be humiliating, but under existing circumstances ridiculous.

I trust, with the expected augmentation of our Army and Navy, that all points on the coast of Luzon will soon be brought to a condition of peace and tranquillity, where the efforts of the United States to assist you in your endeavors to effect the release of Spanish prisoners, both with men and money, will be at your service.

I am, General, very respectfully, your obedient servant,

E. S. OTIS,

Major-General, U. S. V., Military Governor.

A few days after this reply had been made it was deemed expedient, considering the reported physical condition of these Spanish prisoners, which called for the use of every possible expedient to effect their release from captivity, to ask instructions from superior authority, and on September 19 I cabled the following:

Spanish officials here ask to send vessel flying Spanish flag to Dagupan and other northern Luzon ports to obtain large number civil and sick military prisoners held by the insurgents, to be released in accordance with insurgent decree of January 24. Under recent insurgent announcement delivery will not be made to American vessel. Spanish officers solemnly assert that no money will be paid insurgents for these prisoners. Thus far I have declined permission of this request, fearing execution of secret injurious negotiations and being unwilling to countenance insurgent presumption. Many of these prisoners reported sick and should be brought to Manila. If American vessel applied at northern ports for them they would be taken into the interior. Spanish vessel in harbor awaiting result of decision. Shall ship be permitted to go for prisoners?

In response I was directed "to offer one of our own vessels to receive prisoners from the insurgents and transport them to Manila, with every assurance to insurgents against hostile action by such vessel." Upon receipt of these instructions I held a conversation with General Jaramillo, informing him that we would send for the prisoners if the insurgents could be induced to deliver them, and the general soon after submitted the following letter:

MANILA, P. I., September 24, 1899.

Maj. Gen. E. S. Otis,
Military Governor of the Philippines.

GENERAL: In view of your absolute refusal to permit Spanish steamer *P. de Satrustegui* to go to bring in the Spanish prisoners now liberated, I have ordered the commission to go overland or by river route, probably by this latter, making use of the pass with which you was pleased to provide me.

The commission, which leaves next Wednesday, will endeavor to obtain permission from Aguinaldo for a vessel flying the flag of your nation and that of the Red Cross Society to proceed to any of the ports that may be agreed upon for the purpose of bringing in the prisoners, which course has your authorization according to your statement made verbally yesterday.

Your respectful servant,

NICOLAS JARAMILLO,
Brigadier-General, Spanish Army,

The commission departed for Tarlac as intimated, but failed of success. To its labors reference is made in the captured dispatch of November 15, which is in part set out on page 138, and wherein is found the statement that "Spanish commissioners try to deceive us, dealing with us as insurgents. Our Government sent them away and they withdrew greatly displeased." The visit of these commissioners, however, furnished the insurgents with another opportunity to display their cunning in diplomacy. For a short time after the commission returned to Manila they endeavored to make this subject of prisoner's release an international affair between them and the United States, and it was in the prosecution of this endeavor that they sought permission on October 20 to send some of their representative men to Manila "to arrange with General Otis difficulties connected with the delivery of the said Spanish civil and military prisoners." A so-called decree, issued two days prior to the date they made their application (the decree was subsequently obtained), reveals their object clearly. It is as follows:

[Secretariat of foreign affairs.]

DECREE.

Don Emilio Aguinaldo y Famy, president of the Filipino republic, captain-general and commander-in-chief of the army.

It having been stated by the commission of the Spanish Government here in the interests of the prisoners that General Otis, commander of the enemy's forces, openly opposes Spanish vessels coming for the civil and sick military prisoners liberated by an act of clemency of our government under the decree of January 23d ultimo, and that therefore the said commission is obliged to request our permission for the entry into our ports of American vessels with the sole humanitarian object of withdrawing said prisoners; and

Considering that the petition of the Spanish commissioners is inadmissible as it is an infraction of the provisions of our decree of July 24 last, closing to the enemy's vessels ports in the territory of the Filipino republic; and

Considering, however, that the decree of the 23d of January should not be allowed to remain ineffectual against the clemency and humanity of the Filipino people, who will not be pleased at seeing its noble desires frustrated, for which reason the government should take means for the fulfillment of the same but without detriment to our sovereignty or national dignity; and

Considering that it is lawful in warfare to hold parley under a white flag for the purpose of carrying out acts of humanity such as, for instance, withdrawing sick and wounded, burying the dead, or exchanging prisoners within the enemy's camp without such acts signifying submission or humiliation of the party obliged to perform them, inasmuch as the humanitarian purposes of the same are superior to the public right in question;

Therefore, I, the president, on motion of the secretary of foreign affairs, and by agreement with the council of government, using the powers in me invested, hereby decree:

ARTICLE 1. The Spanish prisoners included in the decree of the 23d of January, ultimo, shall be delivered to the Republic of the United States, a military commis-

sion for that purpose to be sent to offer said delivery in the name of the Philippine government to his excellency, General Otis, representing the United States in Manila, under such formalities as may be proper in accordance with the dignities and decorum of both belligerents.

ART. 2. This delivery shall be carried out in the ports designated by the decree of August 29 last, and in accordance with such formalities as may be agreed upon by the two commanding generals of the belligerent forces without detriment to our national sovereignty and honor.

ART. 3. The secretary of war, acting in conjunction with the secretary of foreign affairs, is hereby charged with the execution of the mandate set forth in this decree.

Given in Tarlac 18th October, 1899.

President of the republic.

EMILIO AGUINALDO.

Secretary of foreign affairs.

FELIPE BUENCAMINO.

This matter of insurgent application for a conference, submitted when our troops under General Lawton were proceeding northward on the flank of their main army and when General MacArthur was about to press them at the front, was rightly interpreted at the time it was made—merely as a ruse to impede our operations, or possibly entangle us in some form of recognition of their pretended government. It was believed that we could effect the release of the Spanish prisoners by force much better than through negotiations, and the belief was verified by quickly following events.

At this time, too, the subject of the Spanish residents of the Philippines who desired to preserve their nationality was presented for consideration, and the following instructions were issued:

GENERAL ORDERS, }
No. 50. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., October 27, 1899.

1. The treaty of peace between the United States and Spain provides that Spanish subjects, natives of the Peninsula, residing in the Philippine Islands, may, in case they remain in said islands, preserve their allegiance to the Crown of Spain by making, before a court of record (*ante una oficina de registro*) within a year from the date of the exchange of ratifications of this treaty a declaration of their decision to preserve such allegiance, in default of which declaration they will be held to have renounced it and to have adopted the nationality of Philippine Territory.

2. To provide means for carrying out this provision of the treaty, the registrars of property for the north and south districts of the province of Manila, and for territory outside of said province and within the island of Luzon, the presidents of municipal councils appointed under the provisions of General Orders, No. 43, these headquarters, dated August 8, 1899, are designated as the officials before whom the declaration of intention to preserve allegiance to the Crown of Spain may be made. In the islands constituting the Visayan military district the execution of this order will be committed to such offices of registry or civil courts of record as the commanding general of said district may direct.

In all places where it is impracticable to designate the proper civil officers before whom these declarations may be made, judges of the provost courts are authorized to execute them.

3. These declarations shall be in writing, in triplicate, setting forth the name and surname of the declarant, his age, nationality, civil status, and profession, the name of his wife and children, and of parents, date, and signature of the declarant attested by two witnesses, to be acknowledged before the officer charged with receiving said declarations, following forms furnished. One of these declarations will be sent to the secretary of the military governor at Manila for file, one will be retained for file in the office where executed, and one given to declarant.

4. Presidents of municipal councils charged with the execution of this order will perform such duties under the supervision of the nearest military commanders, to whom they will turn over all completed declarations required to be forwarded to these headquarters for the necessary action.

5. These declarations will be carefully abstracted in a register kept for that purpose in the office of the secretary of the United States military governor at Manila, entries to be alphabetically arranged. No fees of any character will be exacted for the execution of any papers or records provided for in this order.

By command of Major-General Otis.

THOMAS H. BARRY,
Assistant Adjutant-General.

There were many resident Spaniards who were doubtful what course to pursue, and among them especially were a large number of seamen, natives of the Basque provinces of Spain. Political or public affairs were in such a disorganized condition that, in their opinion, results were very uncertain. If the United States could succeed within a reasonable period in establishing order and civil government in the islands so that trade and commerce could be resumed, they desired to remain and permit their Spanish nationality to lapse. Many therefore asked that, if possible, the time given in the Paris treaty in which to preserve Spanish citizenship might be extended, and their request was duly submitted to the proper authority. The extension of that time until October 11, 1900, was highly appreciated, and probably many of the better class of Spaniards have elected to permanently retain their Philippine domicile.

The decree of the insurgent authorities directing the seizure of all vessels flying the American flag which might enter the coast ports, issued in the summer of 1899, suspended lawful coasting trade except as to the few ports then held by our troops. A few Manila merchants desired, as they said, to take the chances attending the dispatching of vessels and promised to make no claim against the United States in case of loss, but they proposed to send them out under heavy insurance, paying large premiums for war risks, which insurance, if the insurance companies were forced to pay, they might ultimately seek to recover from the Government. The customs authorities were instructed to withhold all clearances of vessels, except for the ports of Iloilo and Cebu, and these instructions were enforced until the latter part of December. The Navy kept all coasting water routes under close observation and seized a number of vessels against which there were strong suspicion and quite satisfactory proof that they were engaged in illicit trade. In October three small schooners were captured off the southern coast of Luzon and brought to Manila for adjudication. Boards of officers were convened to determine questions of alleged guilt, and after patient hearing of all parties in interest two were condemned and sold at public auction and the third turned back to the owner, he having produced testimony to show that he was a loyal inhabitant of Luzon and that the vessel had been forcibly taken from him for insurgent use by the insurgent troops.

Trade in the southern waters of the Philippines had formerly been carried on with the Sandakan, Labuan, and Singapore merchants, those of the latter city more especially. After we had taken possession of Jolo, which was on May 19, 1899, the Singapore merchants made application to our consul-general stationed in that city to be permitted to recommence their old trade with the Jolo Archipelago. To his questions, presented from time to time, as to whether this trade could be resumed the invariable answer returned was that the condition of affairs did not warrant it. Notwithstanding the position taken, a number of trading vessels appeared in those waters, were arrested by

the ships of our Navy, and either turned back to their foreign ports or were seized, brought to Manila, and turned over to the military authorities for disposition. In May the commander of the United States cruiser *Castine* instructed a British trading vessel to depart from the Mindanao coast. This gave rise to correspondence, the entire substance of which is epitomized in the following letter:

OFFICE OF THE U. S. MILITARY GOVERNOR IN THE PHILIPPINES,
Manila, P. I., September 30, 1899.

Hon. J. A. MOSELEY, Jr.,
United States Consul-General, Singapore.

SIR: On June 20 last I received from your predecessor a communication inclosing a letter which he had received from the law firm of Rodyk & Davidson, of Singapore, protesting in behalf of their client, the owner of the British ship *Will-o'-the-Wisp*, against the action of the commander of the U. S. cruiser *Castine* in interfering with that vessel while trading in the Sulu Archipelago, and claiming damages to the amount of \$10,000 (Mexican) for losses sustained by such interference, which is alleged to have been in violation of the protocol signed in Madrid the 11th of March, 1877, etc.

The papers were duly referred to the commander in chief of the United States naval forces on the Asiatic Station for a statement of facts, which was received at this office August 31.

By that statement it appears that the U. S. ship *Castine*, upon her arrival at Zamboanga on May 18, boarded the *Will-o'-the-Wisp* in that harbor, but ascertained that the master and papers were on shore. The boarding officer left word for the master of the ship to report to the captain of the *Castine* with his papers for inspection. This was done and the papers were found to be regular, except that the *Will-o'-the-Wisp* was cleared for Zamboanga, Cottabato, and perhaps Davao; the vessel had been to Sulu, Siassi, and other ports. The captain of the vessel was thereupon instructed that trade was prohibited at all ports in the Philippines not in the possession of the United States troops, and was directed not to land anything more at Zamboanga. The captain of the *Castine* thinks he may have given the master of the *Will-o'-the-Wisp* instructions not to trade in the Sulu Archipelago.

Soon thereafter communication was held between the United States war vessel and the Spanish authorities still at Zamboanga which indicated that the steamer *Will-o'-the-Wisp* should be watched, and she was thereupon searched for arms and ammunition. Nothing contraband was found upon her and she sailed that afternoon, cleared for Sandakan. It was ascertained that the *Will-o'-the-Wisp* had been hovering about Caldera Bay and other places west of Zamboanga the preceding day and night, and there was little doubt that she was in communication with the insurgents. The captain of the *Castine* subsequently regretted that he had not seized her, but he had not received full reports of the facts until after she had sailed for Sandakan. Under these facts it is evident that the claim of the owner of the British steamer has no merit. All ports of Mindanao had been closed, or at least trade with them prohibited. Whatever the terms of the protocol between Spain and Great Britain as to trade privileges in the Sulu Archipelago, the United States had and has the undoubted right to close the port of Jolo and other ports in the Sulu Archipelago, if conditions of war justify it, and the finding of such fact of justification rests with the United States.

Very respectfully yours,

E. S. OTIS,
Major-General, U. S. V., United States Military Governor in the Philippines.

The *Castine* seized the British steamer *Labuan* on October 29 in Caldera Bay near Zamboanga. She was turned over to the Manila captain of the port by the naval authorities, and her captain immediately placed his case in the hands of the resident consul of his government, who appeared in person in his behalf. The result is given in a communication, of which the following is a copy:

MANILA, P. I., November 7, 1899.

Capt. S. H. HARFORD,
H. B. M. Consul, Manila, P. I.

SIR: I have the honor to inform you that, as stated in the communication addressed to you on November 1, I referred log book and certain other papers in the case of the steamship *Labuan* to the commander in chief United States naval forces on Asiatic

Station, stating that I had no knowledge of this matter and presumed it was one over which the United States naval authorities exercised supervision.

The papers and records which were received with your note of November 1 consisted of the official log of the steamship *Labuan*, notice of seizure of said steamer by the U. S. S. *Castine* in Caldera Bay, dated October 28, receipt of the commanding officer of that vessel for a register, clearance papers given at Jolo, a manifest of cargo, and a list of passengers; also protest of the captain of the *Labuan*, dated October 28, 1899, and addressed to the commanding officer of the war ship *Castine*, and a communication without specific date addressed to her British Majesty's consul at Manila and signed by the master of the steamship *Labuan*, informing the consul of the fact of seizure and asking him for assistance, all of which are herewith returned.

These records and papers upon being duly referred to the commander in chief of the United States naval forces on the Asiatic Station were returned on November 3, with the statement that "the *Labuan* was seized for entering a port for which she had not cleared, for imperfect papers, and also that she was suspected of smuggling arms. Upon search the arms were found and I have directed that the vessel be turned over to the captain of the port to be dealt with by the customs authorities."

The case has now been submitted to me for final decision, and I have given it as thorough an examination as means at hand permit.

The official log book of the *Labuan* received from you, and which is returned herewith, contains, under date of October 27, 1899, 7 o'clock p. m., what purports to be a history of the affair complained of. Therein the captain of the *Labuan* cites that he left Sandakan on October 25 with a proper clearance on a voyage to Sulu, where, upon arrival, he intended to ask permission to proceed to Cottabato and bring from there several families which he was recommended to do by the acting governor of North Borneo; that at 4.30 p. m. October 26, he in person applied at Sulu for the necessary papers, but could only get permission to visit the U. S. S. *Castine*, which was cruising in the vicinity of Masinglok; that he then obtained clearance to *Castine* and left Sulu at 9 a. m. October 27; that he left the original bill of health and manifest at Sulu; that he knew the *Castine* was cruising from Masinglok to Caldera Bay, as he had taken stores to her in the latter place; that at 6 o'clock that evening as he was nearing Caldera Bay, and it becoming dark and the sky being cloudy, raining, etc., he thought it advisable to steam into Caldera Bay and anchor for the night, as under conditions of weather he did not think navigation safe. He further states that he observed smoke from that quarter which he thought might be the *Castine*; that he arrived and anchored in Caldera Bay at about 7 p. m., and that he was at once boarded by the *Castine* and was surprised to find that it was supposed he had come on some dishonest errand; that an armed force to seize and search his vessel was placed thereon to whom he furnished every facility for executing its orders and everything was found all right, but that on the following day the *Castine* ordered the *Labuan* to be brought alongside of her, a prize crew to be placed thereon, and the vessel to be taken to Manila.

It will be observed that this entire entry was made after the seizure of the *Labuan* by the *Castine*, and not upon the several dates of specific occurrences, and hence has little weight in law as proof of facts.

I find by consulting the papers seized by the commanding officer of the *Castine* and received from the United States naval authorities, which consist of a diary book, list of passengers, manifest, the Jolo clearance, and a certificate of registry, the following facts: The manifest, which bears the signature of the master of the *Labuan*, shows that a cargo was shipped at Sandakan for Cottabato, belonging to S. A. Koreski, and is consigned to order. This evidently establishes the fact that it was the intention of the vessel to carry merchandise to Cottabato, a port which it had no right to enter. I also find that there was an error in the amount of merchandise manifested, but not so great as to raise a grave suspicion of manifest intention. By the Jolo clearance it is observed that the *Labuan* was cleared with permission to leave that port for the purpose of visiting the U. S. S. *Castine* at Masinglok and for no other purpose. From the list of passengers prepared by the master of the *Labuan* after seizure it is seen that the passengers on board were destined for Cottabato, a port which it was the evident intention of the *Labuan* to enter, although after seizure the master of the *Labuan* makes it appear that he only intended to enter that port upon permission obtained from the United States authorities. Examining the log, or what purports to be a "rough diary for 1899," I find the following entries: On date October 25, at Sandakan, the loading of the *Labuan* with merchandise belonging to S. A. Koreski was commenced at 2 o'clock p. m. and finished at 6 o'clock that evening, when the vessel left that port and proceeded to sea; that on October 26, at 4.30 p. m., the vessel arrived at Sulu; that on October 27 she left Sulu and proceeded toward Zamboanga to meet the United States warship there, "weather fine, sky

overcast, wind northeast, light," and the following note is entered under the diary for that day by the commanding officer of the *Castine*: "The British ship *Labuan*, of which H. D. Pfort is master, seized by my order for entering and anchoring in Caldera Bay without clearance for that port and without legitimate reasons, and with imperfect papers."

The commanding officer of the *Castine* reports that on the evening of October 27 he was anchored in Caldera Bay, where his lights were either out or screened so that he could not be observed; that the U. S. S. *Yorktown* was at Masinglok and was using her searchlights, which were plainly visible in the vicinity of Caldera Bay; that he observed the vessel *Labuan* making for the bay long before he could be observed, and that his presence there was a surprise to the *Labuan*; the weather was fine, not making it necessary for the *Labuan* to change her course and proceed to Caldera Bay for protection, and that she could have proceeded on to Masinglok, her confessed destination, and made known her business there to the *Yorktown*. He further states that the movements of the *Labuan* were very suspicious, sufficient to establish the fact that she had engaged or was about to engage in illicit trade, and from all facts reported that conclusion would appear to be warranted.

It is believed, therefore, after full deliberation upon the case that the *Labuan* had entered upon a trade forbidden it by law, and it is legally punishable for its action, which might with propriety be extended to confiscation. She had visited these same waters some time before, had been warned of the consequences of such action, and therefore is without excuse. The customs authorities will impose a fine of \$2 per net ton for these manifestly illegal actions of the *Labuan*, which, when paid, she will be released and permitted to return to her home port.

Very respectfully,

E. S. OTIS,

Major-General, U. S. V., United States Military Governor in the Philippines.

The fine was paid, the steamer released, and she departed at once for Sandakan, where, I have been informed, the captain entered protest for the unjust treatment received from the United States, but have not learned that any official action has been taken upon his complaint.

Another case which necessitated careful investigation arose upon goods shipped by the British ship *Libelle*. The vessel came into the port of Manila on October 21 and declined to discharge all the cargo manifested for it on the plea that the circumstances attending the shipment gave her the option to return it to the home port of Singapore, visiting the Philippine ports on her homeward voyage should she desire to do so. The case was taken up by the consul general for Germany, who submitted an argument in behalf of the shippers. The following reply cites facts and indicates the action taken:

MANILA, P. I., November 7, 1899.

Hon. Dr. FRED. KRUGER,

Consul-General of Germany at Manila, P. I.

SIR: I have the honor to acknowledge the receipt of your communication of the 5th instant, in which you inform me that the British steamship *Libelle*, chartered by the German East Indian Steamship Company, Limited, left Singapore recently with 1,000 tons of merchandise consigned to definite ports; that in addition thereto she took on from three to four hundred tons of merchandise which belonged to the German firm, Messrs. Behn, Myer & Co., at Singapore, to complete her cargo, and which latter goods were shipped on speculation; that clearance was demanded from the United States consul at Singapore for this surplus cargo, with the request that option be given to discharge it either at Jolo, Cebu, Iloilo, Manila, etc., leaving the port of discharge a matter of discretion with the shippers, to be used in accordance with prevailing market prices; that the consul objected to such a clearance, but advised that this surplus cargo be manifested to Jolo and there instructions be sought; that following this advice the goods were sent to Jolo, where certain of them were discharged, the captain of the port there noting on the original manifest the fact, with amount discharged, but furnishing no new manifest, and then cleared the vessel for Cebu; that upon arrival at Cebu the custom-house official declared the papers irregular, telegraphing to Manila for instructions; that after four days' delay the Cebu authorities permitted the vessel to discharge what she desired, and a new manifest was fur-

nished for Manila without mentioning optional ports, notwithstanding the protest of the agent of Messrs. Behn, Myer & Co.; that on arrival at Iloilo the custom-house authorities there permitted the landing of goods, notwithstanding they were manifested for Manila, and cleared the vessel for the last-named point; that on arriving at Manila certain of the goods were permitted to be landed, when the agent of the business firm above mentioned requested permission to retain the remainder on board and take them to Sandakan or Singapore by way of Jolo; that the Manila customs authorities refused to do this, but directed that the goods manifested at Cebu for Manila should be discharged at the last-named port, where prescribed duties must be paid.

Upon this statement of facts you have drawn the following conclusions, viz: That optional ports resting in the discretion of the owner of the goods is in accordance with custom, and has been defeated in this instance by the action of the United States consul at Singapore and not through any irregularities which can be charged to Messrs. Behn, Myer & Co.; or, it may be, by the irregular action taken by the United States officials at Cebu, who forcibly cleared the vessel for Manila, and that this irregularity of United States customs officials has prejudiced the rights of interested parties who are blameless and must suffer consequent pecuniary loss. In support of these conclusions you are pleased to quote that in a similar instance to the one in question the courtesy now asked for by you, viz, that these surplus goods be manifested to Sandakan or Singapore, was extended by the military authorities at Manila, and you ask that the military governor may view the case as he did the one in which courtesy was extended, and issue orders under which the vessel can proceed with that part of her cargo not yet unloaded without the payment of prescribed customs dues at this port.

In reply, I have the honor to state that, after making as full an investigation as possible, I am unable to gain a knowledge of all material facts in the case. The ship's manifest, which is now before me, shows a large shipment to Jolo as destination, and there appears noted therein a large quantity of merchandise belonging to Messrs. Behn, Myer & Co., consigned to Jolo. On this manifest there appears noted in the column of remarks the discharge of some of these goods at Jolo, but by whom entered is not known. The manifest contains a certificate of United States consul, Singapore, to the effect that it is the intention to ship the merchandise mentioned in the manifest to the port of Jolo in the vessel *Libelle*. The collector of the port at Iloilo, under date of October 18, writes to the collector of customs of Manila that the *Libelle* leaves that port for Manila, her manifest as certified there being a copy of the original one which is retained in that office. He adds: "You will notice certain articles manifested from Jolo to Manila which are being carried with the consent of the captain of the port at that place. All duties on the merchandise she carries are to be collected at Manila." Accompanying this notice is the Iloilo manifest of October 18, which shows a considerable shipment by Messrs. Behn, Myer & Co., to "order" as consignees. What portion of these goods have been entered here at Manila I am unable to state, not having informed myself on that point, but it is sufficient to know that part of them have been entered here and part of them are still retained on the vessel pending request to transfer them back to North Borneo or Singapore, at the option of the owner, by way of American ports.

It also appears that the *Libelle* has visited on her voyage to this point two closed ports of the Philippines, but under, as alleged, the permission of the officers of the United States Navy, and has therefore availed herself of Philippine trade throughout the length of the islands, paying duties, of course, at the open ports for such goods as she desired to and did land thereat. This proceeding on the part of the *Libelle* has been irregular and illegal, and could only have been consummated by the erroneous action of our several port authorities, which, although in the interest of the *Libelle*, you now plead as a tacit authorization for further irregularities.

Under former Spanish customs law and the law which now prevails in the Philippines, except in a few special instances wherein modifications have been made in the interests of the merchants, this vessel should have paid full duties on all goods manifested for the different ports and at the ports for which they were manifested. The application of any other rule would be detrimental to interisland commerce and the interests of other merchant inhabitants. I see no reason, therefore, nor in fact can I discover any excuse, having the United States interests and those of the merchants of the island at heart, for setting aside the instructions which were given several days ago to the customs authorities of Manila to impose prescribed duties on all merchandise on board the *Libelle* which has been manifested to this port.

Very respectfully,

E. S. OTIS,
Major-General, U. S. V., Military Governor.

The efforts of native merchants and small trading crafts to exchange commodities with inhabitants of islands the ports of which were held by insurgent troops were frequent, and gave occasion for the determination of many questions which concerned lawful interisland commerce. In September the collector of customs of Iloilo asked "if vessels found with fraudulently signed papers could be seized and held by Government, and what process of law would be necessary to condemn them as prizes." These questions were submitted to Lieutenant-Colonel Crowder, judge-advocate of the department, for opinion, which he submitted and which received concurrence. He stated:

The fact that a vessel has been found with fraudulently signed papers certainly renders the character of the vessel and her actions suspicious, and justifies her seizure and detention for further examination. If the fraudulently signed papers are of a character described in Customs Tariff and Regulations, the penalties therein prescribed may be enforced; this as a matter of administration and by the collector of customs here, upon the facts being reported to him, whose jurisdiction to finally determine such questions is made exclusive by Tariff Circular No. 65, War Department, Washington, May 5, 1899. The belief is expressed in the inclosed letter that the vessels referred to as having fraudulently signed papers are owned or employed by persons claiming protection and owing allegiance to the Government of the United States, and have been engaged in trading with insurgent ports closed to trade by the United States military authorities. These facts being established, not only may such vessels when seized by the said authorities be confiscated, but the parties engaged in such traffic may be tried and punished therefor by the military commissions and provost courts; and such confiscation may be decreed by military orders, usually based upon the report of a board convened to determine the facts. Vessels so seized are not prizes, and their condemnation as such would be unnecessary and inappropriate. It is recommended that the collector of customs at Iloilo be instructed to seize and detain all vessels where the evidence shows that they have been engaged in trade with insurgent ports closed to trade by the military authorities, and to make report of same, with evidence, through regular channels to the military governor for his action.

The Navy gunboats seized a number of these small trading boats while plying an interisland trade and delivered them to the Cebu port authorities. In response to the application of the port's captain to be instructed as to what disposition he should make of these vessels he was ordered to release certain of them and the seizure of others was made the subject of careful investigation, with results as published in the following order:

SPECIAL ORDERS, }
No. 7. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 7, 1900.

I. Upon the report of the collector of customs of Cebu that he holds certain small coasting vessels delivered to him by the naval authorities as the results of capture for engaging in illicit trade, and upon his application for instructions as to the disposition of the same, it has been ascertained by careful consideration of facts presented that three vessels, the *Pineda*, *M. del Rosario*, and the *Concepciones*, were seized by the naval authorities on June 19, July 20, and December 15, 1899, respectively—the first two named on the coast of Leyte and the last at Surigao, Mindanao—all flying at the time of capture the insurgent flag and equipped for interisland trade. In the cases of the *Pineda* and *M. del Rosario* the owners confess that their vessels were trading under the insurgent flag off the coast of Leyte, but deny the use of that flag by their authority. In the case of the *Concepciones* it appears from the shipping book captured with the vessel that she had been engaged for nearly a year in conducting an insurgent trade along the northern coast of Mindanao, having made many trips to the small ports of that island, and collecting hemp at the port of Surigao. Her many clearances were furnished by insurgent officers and the insurgent flag was displayed during this whole period of time.

The facts confessed and established by abundant proof in the case of each of these vessels are amply sufficient to warrant their condemnation and public sale, and the only plea which can be urged in palliation of the offenses committed must be based

on the needs of the inhabitants of near islands for food supplies during the time legitimate trade was suspended and the presumed tacit consent of the Cebu collector of customs to permit an interisland exchange of commodities to be carried on by the smaller coasting vessels.

This plea constitutes no defense in law, but presents a ground upon which to base a mild form of the legal punishment merited, which, on account of conditions lately prevailing in the southern islands and the particular circumstances attending the illicit use of these vessels, it might be sufficient to impose, as it may serve as a proper warning against future action of this character.

It is therefore ordered that the Cebu collector of customs deliver up these vessels and all property found on same at time of seizure, or its equivalent in money, to the owners thereof or their duly accredited agents, upon the payment of fifteen (15) per cent of the ascertained value of the vessels, with submission by them of properly prepared waiver on their part of all future claims or demands against the United States authorities by reason of seizure and detention as above shown. Should this action not prove satisfactory to the owners, or if protest of any kind is made to payment or the waiver of future possible demands as above indicated, or if the legality of this action is in any wise questioned, the cases will be reported to this office, that condemnation proceedings may be instituted.

II. In the matter of the coasting vessel *Surigao*, seized in December last by the United States naval authorities in the port of that name for conducting illegal trade and turned over to the collector of customs of the port of Cebu, the following facts are found, namely:

The captain of the vessel, under date of the 12th ultimo, pleaded that the vessel was engaged in the coasting trade and in the transportation of insurgent troops under compulsion, a force of armed insurgents having been kept on same continually, and, further, that he was constantly under arrest and made to obey the insurgent authorities on the Mindanao coast under penalty of death for disobedience. His statement is in part substantiated by original communications and instructions of insurgent officers which he submits with the same, more especially during the months of August and November of last year. The proof is conclusive that upon certain days of those two months he was obliged to perform insurgent service, but the fact of the vessel being on the insurgent coast of Mindanao and in ports of that island for the greater portion of the year is not covered by either proofs or statements, and it is fair to presume that she was there employed illegally by the owner's connivance or consent.

A fine of \$100 will be imposed, which, when paid, and when a proper agreement to waive all claims for damages which might wrongfully be presumed to arise against the United States for any act taken either by reason of seizure or detention is submitted, the vessel will be surrendered to the owner.

By command of Major-General Otis.

M. BARBER,
Assistant Adjutant-General.

Trade in the waters of the Jolo Archipelago and those of the islands of Basilan and Mindanao, which were under the watchful supervision of the United States naval vessels, continued to give trouble, as the merchants of Singapore and Labuan still pleaded their claimed rights of open trade facilities with all ports of the archipelago under the old protocols between Spain, Germany, and Great Britain. We had placed garrisons at Siassi and Bongao in the archipelago, and at Zamboanga, Cottabato, and Davao on the southern Mindanao coast. General Bates had been sent south to obtain information and report upon the former archipelago trade conditions and to recommend such modifications as the new situation demanded. On December 10 he was advised as follows:

MANILA, P. I., December 10, 1899.

Brig. Gen. J. C. BATES, U. S. V.,

Commanding District of Mindanao and Jolo, Zamboanga, Mindanao.

SIR: Before formulating any trade regulations for the Jolo Archipelago and the islands of Palawan and Balabac your views are desired upon the subject. Your cable from Labuan was understood to mean that trade was conducted by Sulu and Palawan Moros with Sandakan and Labuan, and that it would not be wise to place restrictions upon it at the present time. You were informed that by the transfer of

sovereignty under the late Paris treaty the former trade protocols of 1877 and 1885 fell, so that the customs regulations of the Philippines can be put in force legally in the archipelago.

Knowing that the Moros of the archipelago supply Sandakan with its subsistence and horses to a great extent and look upon that place as its most available market, the wisdom of your cable caution was appreciated.

We are now in receipt of a communication from the United States consul-general at Singapore containing complaints of merchants because of the restrictions we have imposed in not permitting any foreign trade at present. Admiral Watson instructed his officers differently, and made the prohibition apply to ports where we had no troops. Little attention was paid to them at this office, but the foreign merchants appear to misunderstand our wholesale restrictions because of them.

The consul-general sent complaints concerning the action of the captain of the port of Jolo in clearing vessels which he declined to clear at Singapore, and which thereupon went to Sandakan, were cleared for Jolo, and there were cleared for other Philippine ports. It is not known here what the captain of the port of Jolo is doing in this respect. The *Libelle* and *Labuan*, the first of which was made to discharge all merchandise manifested for this port and the other to pay a fine for illegal trading, justified their illegal course under our customs regulations by the action taken at Jolo and that of the captain of one of the naval vessels in giving them a quasi permission to trade generally in the islands.

Our consul-general at Singapore has been answered that general trade could not be opened until we were able to understand all conditions and adopt regulations to govern it. As soon as we receive your recommendations upon the subject we will endeavor to formulate these regulations.

We cannot, however, grant much to foreign interests, as in that event the United States might justifiably set aside our proceedings under a strict construction of law. Foreign merchants can trade in the Sulu Archipelago only upon the conditions by which they must conduct their trade with other islands of the Philippines. Please forward your views as soon as practicable.

Very respectfully,

C. H. MURRAY,

Major and Inspector-General, U. S. V., Secretary.

The nature of the Singapore complaints referred to in the above communication to General Bates as having been submitted by our consul-general at Singapore are sufficiently indicated in the following copy of a letter addressed to the latter:

MANILA, P. I., December 10, 1899.

Hon. R. A. MOSELEY, Jr.,
United States Consul-General, Singapore.

SIR: I have the honor to acknowledge the receipt of your communications, the one dated the 24th and the other the 28th of November. The first contains clippings from the Singapore Free Press, headed "Sandakan and Labuan notes," and the second a copy of note addressed to you on November 27 by the colonial secretary at Singapore, inquiring if the restrictions imposed on British ships trading with Sulu, Palawan, and Balabac have been withdrawn, with your reply thereto.

In your communication of November 24 you state that a certain commercial firm submitted complaint that the British steamer *Teresa* was refused clearance for Sulu by you and had been cleared at Sandakan for Jolo, where her cargo was received. You speak also of the action of the steamer *Clive*, and request that I cable the State Department to grant you permission to appoint a consular agent at Sandakan and Labuan to assist you in properly carrying out any trade regulations, in so far as clearance of vessels is concerned, which may be adopted for the Sulu Archipelago.

I have no knowledge of the facts you convey further than the information contained in your note. The former Sulu trade was a subject which gave great annoyance and apprehension to the Spanish authorities, and it was for the purpose of arresting this trade, until conditions could be learned and until some suitable regulations to govern it could be formulated, that foreign trade was prohibited. General Bates was sent there to study and report upon conditions, and I have not yet received his report. Of course, the former trade protocols between Spain, Germany, and Great Britain fell with the transfer of the islands under the late Paris treaty. The officer at Jolo in receiving and manifesting merchandise has been acting without specific instructions, but I presume he has endeavored to follow former practices. I expect to hear from General Bates, who is now at Zamboanga, very shortly. * * *

In reply to your note of the 28th, I have the honor to inform you that I will communicate to you any trade regulations affecting foreign merchants as soon as they may be determined upon.

In the meantime trade matters must remain in abeyance. The inconvenience which a few merchants may suffer are light in comparison with the vast conflicting interests which in the southern Philippine Islands present themselves for settlement. * * *

Very respectfully,

E. S. OTIS,

Major-General, U. S. V., U. S. Military Governor in the Philippines.

At the date the foregoing communications were written troops were moving from Zamboanga to garrison five additional stations on the southern Mindanao coast, also the naval station of Basilan; and the ports of Jolo, Siassi, and Bongao, of the Jolo Archipelago, had been garrisoned for some time, so that affairs were in condition to open up that whole section of country to trade. Accordingly, on December 26, the following orders were issued:

GENERAL ORDERS, }	OFFICE OF THE U. S. MILITARY GOVERNOR
No. 73. }	IN THE PHILIPPINE ISLANDS,
	<i>Manila, P. I., December 26, 1899.</i>

I. Trade and commercial intercourse with the ports of the Sulu Archipelago, with those of Zamboanga, Cottabatto, and Davao of the island of Mindanao, and with the island of Basilan will be reestablished upon the receipt of this order at the various ports affected, the same to be prosecuted under the customs regulations adopted and prevailing in other sections of the Philippines.

The ports of Zamboanga; Mindanao; Jolo, island of Jolo, and Siassi, island of Siassi, are declared to be open ports for the time being and will receive the necessary equipment. The commanding general of the district of Mindanao and Jolo will designate and appoint collectors and inspectors of customs, subject to the approval of this office, and will cause to be detailed such assistants as may be necessary. At ports where the services of captains of ports are demanded, the same officers will perform the duties of both collectors of customs and port captains. The treasurer of the islands, the collector of customs, and the captain of the port of Manila will supply the various officers appointed with all orders, circulars, books, blanks, and instructions necessary to guide them in the performance of their duties.

II. The commanding general of the district of Mindanao and Jolo will appoint, subject to the approval of this office, collectors of internal revenue for the various more important towns and districts within his command. The collector of internal revenue at Manila will furnish upon application all books, blanks, circulars, orders and instructions, and blank cedulae required by them to execute the labors of their office.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

In the course of a month after the Philippine customs laws had been made operative in the archipelago, the sultan petitioned for a suspension of the same until his people could recover from the great losses they had suffered by, as he stated, the death from disease of 97 per cent of their cattle. In forwarding this petition the commanding officer at Jolo recommended a temporary suspension of those laws in the matter of articles of food and of household and agricultural implements, stating that the Moros were very poor and could not well meet the unexpected demands which the immediate practical application of the customs tariff imposed, and that if exception could be made in respect to trade carried on by Moros, but not by Chinese and other foreigners, it would have the effect to encourage the former to engage in mercantile pursuits. In considering the subject cognizance was taken of the fact that the past trade of the Moros of the archipelago was largely confined to an exchange of live stock, fruits, and vegetables with the inhabitants of North Borneo for needed articles of

consumption and of house and farm implements, which trade was carried on by means of the Moro small boats, and could not well be interfered with. A temporary relief from some of the provisions of the tariff was thought to be judicious, and the following orders were issued:

GENERAL ORDERS, }
No. 30.

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., March 10, 1900.

For the immediate relief of the native inhabitants of the Jolo Archipelago, who have heretofore been granted free-trade privileges, and who it is reported have suffered materially during the past year from loss of cattle and a consequent minimum supply of native food products, the prescribed customs dues on the importation of cattle, articles of food, petroleum, tobacco, matches, clothing and articles for use in the manufacture of the same, sewing machines, agricultural implements and machinery for use in preparing products of the soil for home consumption or export, are suspended until December 31 next, provided such articles of consumption, trade, or merchandise are owned, imported, and handled by the native inhabitants of the islands, and that all business connected therewith in the islands is conducted by and between these inhabitants. The Moro inhabitants of the islands will also be permitted during the present year to export free of duty all products of the soil, they being solely concerned in person and interest in handling and shipping the same.

The present existing provisional customs tariff and regulations will remain in force in that archipelago in all cases of importation or exportation in which other than natives are in any wise interested whether as principals or agents.

By command of Major-General Otis:

M. BARBER,
Assistant Adjutant-General.

As has been mentioned, the ports of Zamboanga, Jolo, and Siassi were declared to be open ports on December 26, 1899. Those of Manila, Iloilo, and Cebu had been ports of that character since occupation by United States troops—Manila, the chief port of the islands since August 13, 1898; Iloilo, since February 22, and Cebu, since March 14, 1899. These six ports remain open to foreign shipping and are greater in number by two than Spain maintained, as Jolo and Siassi have been added to the four others above named. Until December 26, 1899, the United States held but three of all the Philippine ports, open or inter-island, with the exception of those in the Jolo Archipelago and Zamboanga, viz, Manila, Iloilo, and Cebu. On that date Cottabatto, Davao, and Basilan were scheduled for the resumption of trade. But now our troops were taking possession very rapidly of the important points in all the islands, and the coasting ports were being opened up for inter-island commerce as soon after occupation as the necessary arrangements could be effected. Fifty-one of them were made available for trade during the ensuing four months, and comprised all the important harbors in twelve of the most important islands, nearly all of which provided the small adjacent coast villages of a more or less extended seacoast with all needed trading accommodations. Of these 51, 16 were declared open in January, 12 in February, 11 in March, and 12 in the month of April; and of this total number 25 were within Luzon, 6 in Mindanao, 6 in Leyte, 3 in Panay, 2 in Cebu, and 2 in Samar. The large island of Negros has no harbor facilities.

The merchants doing business at the open ports were anxious to secure the last year's crop of hemp, tobacco, and sugar, and the inhabitants were equally eager to dispose of those products and obtain in return the merchandise usually received in payment for the same. The advance in money values of the staple products of the islands in the foreign markets created a lively competition among resident

merchants to secure those products in the largest quantities possible at the earliest date, in order to reap the advantages of the inflated market prices, and estimating with a fair degree of accuracy, by considering directions in which troops were operating, when shipping ports would be taken into our possession, they prepared themselves in advance with all the vessel accommodations they could command to avail themselves of port clearances immediately upon the announcement that they would be issued. The various ports were officially declared open for trade as soon as troops could assume quiet possession and the necessary customs officers and port captains could be appointed and acquaint themselves with their duties—officers serving with the occupying military forces being selected to fill those positions, and generally by selection prior to occupancy.

The resumption of trade and commerce under the pending business excitement imposed very onerous labors upon the port and customs authorities of Manila, Cebu, and Iloilo (the three ports at which products for foreign shipment are usually gathered), but more especially upon those of Manila, where the great bulk of the commerce of the islands centers. To prepare for this contemplated increase of business the services of the departments immediately shipping concerned were placed in improved condition and the following shipping instructions were issued:

GENERAL ORDERS, }

No. 69.

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., December 21, 1899.

* * * * *

II. ARTICLE 1. The right to engage in the coasting trade of the Philippine Archipelago is limited to vessels possessing the certificate of protection described in Tariff Circular No. 81, dated War Department, Washington, July 8, 1899, and which have been granted the license hereinafter prescribed.

ARTICLE 2. The coasting trade service shall be under the general control and supervision of the central customs administration at Manila; also the direct supervision of collectors of customs of the principal ports of the islands nearest to which this coasting trade may be carried on.

ARTICLE 3. All vessels of the class designated in article 1 of this regulation shall, prior to engaging in the coasting trade, take out a license therefor. This license may be issued by the collectors of customs in the principal or open ports of entry. But two forms of license will be issued, the first for vessels engaged in the general trade of the Archipelago and the second for smaller craft trading only within a particular section of the islands. Vessels having the first form of license will be required to use revenue stamps required by first and second clauses of section 371, United States Provisional Customs Tariff and Regulations. Vessels having the second form of license will be exempt from this requirement. For each license granted a fee of \$1 for each ton of registered tonnage of the vessel will be charged, and said license must be renewed annually.

CLEARANCE.

ARTICLE 4. The master of every vessel licensed for carrying on the coasting trade shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of the cargo on board such vessel, specifying in such manifests the marks and numbers of the packages and the names of the respective consignees. He shall deliver such manifest to the collector or other customs official, before whom he shall swear to the best of his knowledge and belief that the goods therein contained, if foreign, were legally imported and that the duties thereon have been paid or secured. Thereupon the said collector or customs official shall certify the same on the manifests, one of which he shall return to the master with a permit specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination, retaining the duplicate.

If any vessel, being laden and destined as mentioned in this section, shall depart from the port where she may then be without the master having first made out and submitted duplicate manifests of the lading on board such vessel in the form and manner prescribed herein, such master shall be liable to a penalty of 100 pesos.

ENTRY.

ARTICLE 5. The master of every vessel licensed for carrying on coasting trade shall, previous to the unloading of any part of the cargo of such vessel, deliver to the collector or other customs official residing at the port of unloading, or, if there be none such, to the collector or other customs official residing within 5 miles thereof by navigable water, the manifest of the cargo certified by the collector or customs official of the port from whence she sailed. Thereupon the collector or customs official shall grant a permit for unloading a part or the whole of such cargo as the master or commander may request. If there is no collector or other customs official residing at or within 5 miles by navigable water of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, provided he has received permission from competent authority at the port of sailing to enter and discharge cargo at such port, but he shall deliver to the collector or other customs official residing in the first port where he may next afterwards arrive, and within twenty-four hours after his arrival, the manifest showing his authority to enter the unequipped port and noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or customs official he shall swear.

If the master of any such vessel mentioned in this section shall neglect or refuse to deliver manifest at the time or in the manner directed, he shall be liable to a penalty of 100 pesos.

REPORT OF MASTER.

ARTICLE 6. The master of every vessel employed in the coasting trade which shall from any cause put into a port or place other than those to which she was cleared, shall, within twenty-four hours, or as soon thereafter as weather and sea will permit, of his arrival, if there be any officer of customs residing at such port, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do, shall be liable to a penalty of 20 pesos.

FOREIGN VESSELS BARRED FROM COASTING TRADE.

ARTICLE 7. No merchandise shall be transported by water, under penalties hereinafter prescribed, from one port of the Philippine Islands to another port of the Philippine Islands, either directly or via a foreign port, or for any part of the voyage, in any other vessel than those described in article 1. But this section shall not be construed to prohibit the sailing of any foreign vessel from one open port to another open port of the Philippine Islands; provided, that no merchandise other than that imported in such vessel from such foreign port which shall not have been unladen shall be carried on such voyage.

Passengers shall not be received at one Philippine port for another Philippine port by a vessel not licensed for the coasting trade, but passengers arriving upon a foreign vessel from a foreign port may continue their voyage to the port of destination by the same vessel.

PENALTIES.

ARTICLE 8. Vessels found engaged in the coasting trade of the Philippine Islands without being specially authorized thereto in the manner herein specified shall, if laden with merchandise of the growth, product, and manufacture of the Philippine Islands only, or in ballast, if of 5 tons burden or less, be liable to a fine of not less than 50 nor more than 200 pesos; if of more than 5 tons burden and less than 20 tons, she shall be liable to a fine of not less than 100 nor more than 500 pesos; and if of 20 tons burden or upward, to a fine of not less than 300 nor more than 1,000 pesos: *Provided*, That if such vessel shall have on board any article of foreign growth, product, or manufacture beyond what is necessary for sea stores, and which has not been properly entered or legally imported, then, in addition to the fines herein specified, such goods of foreign growth shall be forfeited.

UNEQUIPPED PORTS.

ARTICLE 9. Vessels licensed for the coasting trade will not be allowed to call at unequipped ports along the coast of the archipelago without special permission of the military governor or department or district military commander, who, in author-

izing such trade, will prescribe the conditions under which it is permitted. Vessels found violating this section shall be subject to a fine of not less than 100 pesos or more than the value of the cargo, provided the value thereof exceeds 100 pesos.

ADJUDICATION OF PENALTIES AND APPEALS.

ARTICLE 10. The fines and forfeitures which shall be incurred by virtue of these regulations shall be administratively adjudicated by the collectors at the principal ports of the islands, from whose decisions appeal may be taken to the collector of customs at Manila for final determination.

REGULATIONS AND BLANK FORMS.

ARTICLE 11. The collector of customs at Manila is charged with the duty of preparing for the approval of the military governor a project of regulations for carrying this order into effect, and the necessary blank forms.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

The regulations and blank forms called for in the last article of the above-copied orders were duly prepared, approved, printed for distribution, and promptly issued to all officers appointed to execute the duties of customs and port officers, so that there was little friction in the transaction of the business which was suddenly so greatly augmented in those special departments of the civil service. All available shipping of the islands was employed to its full limit. The customs receipts, which for September, 1899, and the three following months, during which period Aguinaldo's decree against the American flag was operative, averaged \$773,000 (Mexican), and were, for March and April 1900, two and one-quarter millions, and for the month of May alone one and one-third millions. Those receipts are, I believe, still increasing in a corresponding ratio, as I notice that during July they were \$1,705,000 (Mexican), of which Zamboanga, Jolo, and Siassi contributed \$15,000, and Iloilo and Cebu \$321,000.

As it was necessary that all inter-island commerce be carried on under the American flag in American registered vessels to which certificates of protection must be issued, the transfer of vessels to United States citizens was frequent, and while in these transactions legal methods of proceedings were observed, fraud was practiced doubtless in some instances. The privilege of flying the flag and receiving the certificate was granted native Filipino shippers who subscribed to the oath of allegiance, and many took advantage of it; but to obtain registry and the certificate it was necessary to send the vessel to an open port and await the certificate from Manila. This delay was attended with hardship in the case of small crafts employed on the coast distant from Manila, and instructions were given to meet it by the announcement that the provision regarding the certificate was not "intended to apply to crafts or small boats engaged in trade conveying produce, merchandise, or passengers from an unequipped to any near equipped ports, but only to vessels carrying on a general coasting trade among the islands or which may ply between equipped ports." In the matter of these small coasting vessels the following instructions were published:

Hereafter the owners of small boats which have a less capacity than 15 gross tons burden who may wish to carry on a local trade at any of the equipped ports and near coast points, upon their application at the nearest equipped ports and on taking the oath of allegiance to the United States Government, will be granted licenses to run for one year permitting their vessels to engage in legitimate seacoast traffic between the ports where applications are made and the near or adjacent seacoast towns and

villages, they paying for the same 1 peso per ton for each ton of a vessel's gross tonnage, the payment to be evidenced by affixing to the licenses granted revenue stamps amounting in full to the sum paid; minimum will be 1 peso.

Licenses so issued will be numbered consecutively, beginning with No. 1 each year, and each boat so licensed shall be conspicuously marked with number of license, name (if any) of boat, and name of port at which licensed. No licenses shall be issued to persons not possessing United States certificates of registration (cedulas).

Inspectors of customs at interior ports to whom such applications and payments are made will grant licenses or permits of a special form, to be furnished them by the collector of the islands and of the port of Manila. The latter will at once prepare such forms, suited and covering the necessities of the case, also printed form of oath of allegiance, and cause them to be sent as soon as practicable to the several inspectors stationed at the various island interior ports.

To extend throughout our constantly increasing territory the internal revenue machinery was more difficult. That revenue was derived for the most part from the sale of cedulas or tickets of personal identification, and what was known as the urbana and industrial taxes imposed under Spanish law on all private buildings and on business enterprises, incomes, and salaries. Speaking of cedulas, in my former report I said:

However, the cedula tax might have yielded something, for although this is the most hated by the natives of all taxes formerly imposed upon them, they desire the cedula, as this simple means of identity is valuable to them in conducting business and when journeying through the islands. In response to the express desire of the inhabitants of Manila for this ticket it was given on personal application at a nominal sum sufficient to defray the cost of issuance, and over sixty thousand of them were distributed in a short space of time from the Manila office of internal revenue.

The inhabitants of the interior still requested this United States cedula ticket, and they were supplied upon application at the nominal cost of a peseta each, although they had purchased the cedula issued by the insurgent authorities at a price ranging from one to five dollars. Spain had never been able to levy a real estate tax, as either title to property appeared to be too insecurely vested to warrant it, or because of the too great opposition of parties interested, notwithstanding the decree of 1880, which was formulated to determine and establish the matter of individual title, making it rest on long-continued possession. The urbana levy, a near equivalent, was a tax on the money value of the house as found by duly appointed assessors, and the industrial was a tax on the business houses or stores much in the nature of a license, and a pro-rata share of salaries above a certain-named amount. The public money for the support of the cities was raised by a tax or license on markets, fisheries, saloons, slaughter houses, etc., tolls on highways and bridges, rents on city property, and a tax, when necessary, not to exceed 10 per cent of the amount of the urbana and 25 per cent of the industrial taxes. To satisfy outlying obligations which the ordinary tax levies failed to meet, surtaxes, various in kind, to be applied to the liquidation of certain classes of indebtedness, were frequently imposed and thus the tax levy was complicated and its yields uncertain in amount. On April 10 these surtaxes were discontinued, and the application of the revenue laws simplified by the following orders:

GENERAL ORDERS, }
No. 53. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., April 17, 1900.

The assessment and collection of surtaxes on the industrial tax, as authorized by decrees of July 24, 1884, June 19, 1890, and August 21, 1896, and on the direct tax on house property, as authorized by the decrees of July 24, 1884, and June 14, 1878, for periods subsequent to July 1, 1900, inclusive of that date, is prohibited. All laws and provisions in conflict with this order are hereby revoked.

taxpayers who may have already paid such surtaxes for periods commencing July 1, 1900, may have the amount thereof credited against any delinquent taxes which they may be chargeable on that date or against any taxes which may hereafter become due.

By command of Major-General Otis.

M. BARBER,

Assistant Adjutant-General.

The conversion on April 7, 1900, of the former department of the Philippines into the division of that designation with its four separate departments, each having a number of defined districts, as shown on pages 246-248, made the application of the revenue laws through officers of the Army under military supervision practicable. Those orders are as follows:

GENERAL ORDERS, }

No. 54. }

OFFICE OF THE U. S. MILITARY GOVERNOR

IN THE PHILIPPINE ISLANDS,

Manila, P. I., April 18, 1900.

For the commanding general of each department of the division of the Philippines to detail a discreet officer of business ability and experience to supervise, under his instructions, the internal-revenue affairs in the territory of his command, and will appoint in each district of his department an internal-revenue officer, who shall be charged with the imposition and collection of the general revenue of the district to which appointed; and in some of the more important districts, wherein such labors prove excessive, an assistant will be furnished to render him such aid as may be necessary.

These district internal-revenue officers, under department supervision, will transact the business in their several districts connected with the collection of the urbana and industrial taxes belonging to, or which concern, the internal-revenue funds of the islands. They will make requisition for all funds or property required in the performance of their duties direct on the collector of internal revenue of the islands, Manila, to whom all collections of every character will be transmitted for deposit in the general treasury. The latter officer will furnish district collectors the instructions necessary to fully understand the requirements of their positions; also the general rules for the imposition, administration, and collection of such taxes; all blank forms and returns required in the conduct of their business; the property essential in the several offices which they may be forced to establish, and money with which to pay the required clerical or attending force. He will receive, by approved requisition on that branch of the quartermaster department charged with the disposition of property purchased with the public civil funds, stationery, stationery, and other property, and from the treasurer—through auditor's warrant—the funds to meet the money expenditures incurred.

Officers concerned will note that by the removal of all surtaxes after July 1, 1900, under the provisions of General Orders, No. 53, of April 17, and by article 43, General Orders, No. 40, of March 29 last, from this office (wherein municipalities are permitted to levy a tax not to exceed 25 per cent on the general industrial taxes imposed), the collection and disposition of the general internal-revenue funds have been greatly simplified. Should municipalities desire to collect a permitted industrial tax at the same time that the other taxes of that character are collected by the General Government, internal-revenue officers may look to the collection of the same, upon municipal request, and turn it into the municipal treasury under such formalities as may be hereafter prescribed.

By command of Major-General Otis:

M. BARBER,

Assistant Adjutant-General.

The internal-revenue receipts can not be said to have been as yet materially augmented, considering the full amounts which should be realized under the prevailing laws, although for the eight months ending April 30 last they were \$752,283 Mexican, as against \$577,748 for the entire year ending August 18, 1899, an average monthly increase of nearly 100 per cent. Still the majority of the appointed collectors, not to the latest of the above-named dates, completed preparations to enter upon the collection of either the urbana or industrial taxes.

And haste in these matters was not intended, as the majority of the people are in poverty, having suffered severely in landed and personal estate during several years of almost constant warfare, need time and assistance to rebuild their destroyed habitations and villages, and to regather the stock and implements necessary to carry on agriculture. The urbana and industrial taxes, if imposed in strict accordance with the former prevailing Spanish custom and the still prevailing Spanish law, would bear heavily on the poorer classes of inhabitants. The owners and occupants of dwellings erected on vacant ground or that leased for a term of years must contribute to the public revenues while the owners of the land escape, and the small shopkeepers and the people receiving moderate salaries must pay government quite largely for the privileges they are supposed to enjoy.

The Spanish method of collecting these taxes was a sure and easy one. The barrios of a city or town are not only the contiguous subdivisions into which a municipality is divided, but they may be many miles distant therefrom and attached simply for protection or administrative purposes. The people of the barrio are supposed to have been originally of the same family or clan, and over it a chief (generally a man of property) was appointed, who was obliged to collect and turn in to administrative officers of provinces all public revenue demanded, or suffer the consequences of charged neglect by fine or imprisonment. How much he collected was of no consequence, provided he turned into the public treasury the full amounts levied. The position was generally sought, as it conferred authority, individual distinction, and personal pecuniary gain when conscience did not intervene. An important requirement devolving upon us prior to making tax collections was to place the people in fixed settlement in former homes and induce them to engage earnestly in civil pursuits, which could be accomplished only by convincing them that they would receive adequate protection—a thing difficult to do because of the statements constantly circulated by insurgent guerrillas that Tagalo independence would soon be granted by the United States. It was also of primary importance to instruct them in the new and liberal form of municipal government granted them, to assist in the organization of schools which they requested, to improve the means of local communication and their seacoast harbors and waterways.

On pages 249–250 of this report allusion has been made to the public highway improvements in progress and contemplation, which were viewed by the inhabitants with great satisfaction. The work in a minor degree was extended to other islands, and assurances were given to officers commanding territorial districts that an economical use of public money would be allowed for necessary highway facilities. Work on the more important harbors of Iloilo, Cebu, Dagupan, and others was being done, all of which increased the confidence of the people in our good intentions. The Spanish Government had adopted several years ago an expensive scheme for the improvement of Manila Harbor, had performed considerable of the labor required to execute it, by building a long breakwater, which was approaching completion, and had on hand a large amount of harbor machinery and material, which fell into our possession by the cession of the islands. The money to defray the expenses of the work was drawn from the Manila customs receipts, of which a percentage was set aside for that purpose. The chief engineer of the department and corps was directed to take

under consideration and study the needs of the harbor, the scheme on which the Spanish authorities had been proceeding, to fix upon a project which would meet requirements, and to submit the same, with plans and estimates, to the office of the military governor. This directed duty was being performed at the time of my departure from the islands.

On February 8 last the instructions of His Excellency the President of the United States extending to the Philippines the operations of the provisions of the act of Congress of February 15, 1893, regarding the powers and duties of "The Marine-Hospital Service," were published. They directed the establishment of the headquarters of the service at Manila, and gave its officers, acting under such regulations as the United States Treasury Department might prescribe, exclusive quarantine supervision of the islands. They appropriated from the island revenues an amount not to exceed \$300,000 annually to defray the expenses of the service, from which the epidemic fund must be reimbursed for the cost of disinfecting appliances and materials ordered from abroad. The old Spanish quarantine station of Mariveles on the north shore of Manila Bay was announced as the Manila station of the incoming service; troops were placed there, and the old plant with its buildings (four of which could be utilized) were turned over, together with \$30,000 with which to meet the necessary immediate expenditure. With quarantine branches established at Iloilo and Cebu the service will be able to execute the duties expected from it. The announcement that Manila had been visited by the bubonic plague appears to have created considerable excitement in foreign ports and those of the United States. The disease was discovered in Manila, but did not prevail to the extent it manifested itself in many of the Asiatic ports. The thorough police, quarantine, and house-to-house visitation to which the city was subjected prevented any alarming increase, and little heed was given it by the citizens generally. It is possible that the plague had existed there some time before discovery, but not in virulent type. The native physicians attached little importance to the fact of discovery.

The nautical education required by the inhabitants in order to carry on their interisland commerce was not neglected, as the system of instruction inaugurated by the Spanish Government was early revived. To this a brief allusion is made on page 304, with the remark that it would receive further comment. By the great assistance received from the Navy we were enabled to open the nautical school during the fall of 1899, in compliance with the following orders:

GENERAL ORDERS, }
No. 55. }

OFFICE OF THE U. S. MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., November 9, 1899.

The Escuela Nautica, hereafter to be known as the Nautical School of the Philippine Islands, will be reopened as soon as the requisite arrangements for the purpose can be perfected, probably about December 1, next. The superintendent of the school will be an officer of the United States Navy, appointed by the commander in chief of the United States naval forces on Asiatic Station. He will be under the immediate direction of the military governor.

Instructors, except the instructor in English, will be selected from the former staff, or from the graduates, of the Escuela Nautica. Instruction will at present be given in Spanish only. For the purposes of practical instruction, the institution will be provided with a school-ship, as soon as a suitable vessel can be obtained.

The course will embrace three years.

Candidates for admission to the school must have the consent of their parents or guardians, and will present their applications in person at the office of the superintendent of public instruction between 9 o'clock a. m. and noon on week days. They must be residents of the Philippine Islands, between 14 and 18 years of age, of sound mind and body, not color-blind or near-sighted, and of good character. They must be able to read and write, and have a competent knowledge of grammar, composition, and arithmetic. After June 1, 1901, they must also have a fair knowledge of the English language. Former students of the Escuela Nautica will be classed according to their knowledge, after examination.

Not more than 60 students will be admitted. Students are expected to live at home, and to provide their own text-books, except books for the study of the English language, which latter, as well as stationery, will be supplied by the school.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

Lieut. Commander J. V. Cottman reorganized the school and was succeeded as superintendent in January, 1900, by Lieutenant Cooper, of the Navy. These officers, through the ability and zeal which they have bestowed upon the institution, have brought it to an excellent standard of efficiency and made it popular with the native youths, who are eager to obtain entrance.

Postal facilities, under the efficient supervision of the director of posts, Mr. F. W. Vaille, were early given to the inhabitants of the islands. Mail for all points occupied by troops, where post-offices had not been established and civilian postal employees had not been secured, was sent to commanding officers, with instructions to attend promptly to its disposition and distribution. On August 22, 1899, a complete schedule of postal rates for domestic and foreign matters, including charge of service between the United States and the islands, based largely upon United States postal laws, was published, and this schedule of rates prevailed until January 9, when there were put in practical application the instructions of the Postmaster-General that "all mail matter passing between the United States and Porto Rico, Guam, and the Philippine Archipelago, or between these island possessions of the United States, shall be subject to the United States domestic classification, conditions, and rates of postage." The postal department has been conducted with marked ability and has more than paid the cost of maintenance. Nothing has been received by it from the island revenues and it had on hand last May a balance of about \$19,000. The system introduced is a great improvement upon the one which prevailed during the Spanish control of the islands, both as regards security of mail and its prompt delivery, and the extension of the same has almost kept pace with the advance of the troops.

The Spanish royal decree of May 16, 1886, which required the use of stamped paper in all official transactions and the affixing of stamps to business paper, private receipts, and bank checks, had almost gone into disuse in so far as many of its provisions were concerned. The law in its application was revived as soon as practicable, although in this matter, as in many others which concerned the public revenue, required time and patience to ascertain and intelligently construe the and other revenue laws, embodied as they were in uncoded decrees in Spanish text extending over a series of years; and the majority of the former Spanish officials had abandoned the public offices without imparting information as to the particulars or even the nature of their duties. A large quantity of stamped paper and stamps were on hand. Certain civil branches of the Government used them, more

especially the courts, as was necessary, in order to make valid their proceedings requiring public record. Officers of the army who controlled other branches were ignorant of legal requirements, and private parties having information were apt to evade them. Orders requiring the enforcement of the stamp law were issued, but saving from its operations certain former directions, as the following instructions published November 13 and 27, 1899, indicate:

Paragraph 5, article 19, chapter 2, of Spanish royal decree issued May 16, 1886, which requires the use of stamps on receipts, and which fifth paragraph reads as follows: "Government employees—active or retired—each time they sign a receipt for any part of their salaries, whether in a list, warrant, or any other form," is temporarily suspended in the case of that class of employees who receive respectively as monthly compensation sums less than \$50 Mexican, and will not be considered as in force until by future directions the suspension is removed.

All existing decrees or orders at variance with these instructions will, during this directed suspension, remain inoperative.

In the matter of purchases between officers and the several supply departments of the army, and in all cases of expenditures by regimental medical officers from civil funds furnished those officers with which to purchase special articles of diet for the regimental sick, the legal requirement of affixing internal revenue stamps on receipts or vouchers which accompany accounts current are suspended.

One of the complaints against the Spanish Government presented by its Filipino subjects in their arraignment of abuses suffered was, that natives employed in the public service of the islands received far less compensation than Peninsular Spanish employees for the performance of equivalent duties. The fact was admitted by that Government in the treaty of Biac-na-bato and promise given that in future no distinction in class as regarded money payments should be permitted. When our Government assumed the management of public affairs Filipino clerical assistance was very limited, as many of the native employees had cast their lot with the insurgents, and the foreign language employed in the transaction of business was not understood by us. It became necessary therefore to detail soldiers having clerical capacity for duty in the various departments, who, upon discharge from military service, were taken into civil employment, and they demanded the wages prevalent in the United States. An American clerk of good ability must be paid \$100 in gold monthly, whereas the Filipino clerk performed equally valuable labor for \$50 Mexican. It was considered necessary to advance the wages of the native, which was done after several complaints were submitted charging unjust discrimination in the matter of salary against him in accordance with the former practice of Spain, but not to the extent of making his salary the equivalent of that which the American received. A corresponding increase in the price of all Filipino labor, skilled and unskilled, resulted, much to the annoyance of the wealthy inhabitants, who charged the American Government with unsettling and very materially advancing the prices not only of labor, but of subsistence. They failed, however, to make thankful acknowledgment of the increased values of their real properties and market commodities, for which the presence of the United States troops was responsible.

During the latter years of Spanish domination in the islands, wages and the prices of home products gradually decreased, due to the gradual reduction in the market price of silver. They were determined when silver was at par and were paid in the Mexican silver dollar which was the unit of value in the Philippine currency. The common laborer received \$6 per month, or 25 cents per day Mexican, the

skilled workman and accountant from \$20 to \$50 per month Mexican, according to the importance of the services rendered. All public salaries had been fixed in Mexican currency when it was equal in purchasing power to gold, and they remained as then fixed; hence could not be considered in 1898 as equal to one-half in amount what they were at the time they were determined upon and fixed. Within a few months after our occupation of Manila began the daily wages of the common laborer advanced to 70 cents, his monthly pay to from \$12 to \$18, all in Mexican; and the monthly compensation allowed our native police at present is \$25 Mexican, while our native scouts employed for service with the troops are paid monthly as many Mexican dollars as our private soldier receives dollars in gold. The judges and officials of the civil courts were paid salaries computed several years ago in Mexican silver, and the salaries remained unchanged until recently—the chief justice receiving for his distinguished and indispensable services about as much pecuniary compensation as the captain of one of our infantry regiments. During the past two years the market value of city real estate and all rentals have advanced 100 per cent, and the prices of all articles of food and clothing have increased in like ratio. It would be well-nigh impossible for the Filipino to secure what are now deemed the essentials of existence from former wages. The advance in wages has hardly kept pace with the advance in prices, and still the native obtaining it considers his condition and lot in life improved. To meet the increasing demands of living, the salaries of the supreme court judges and officials were advanced last April about 20 per cent without their request or knowledge, but much to their surprise and gratification, and the president of the supreme court conveyed acknowledgments in the following terms:

[Corte Suprema de Justicia de las Islas Filipinas.]

TO HIS EXCELLENCY THE UNITED STATES MILITARY GOVERNOR OF THE PHILIPPINES.

SIR: On behalf of my associates in this court, and for myself, I desire to comply with a most grateful duty in manifesting to your excellency our gratitude for the consideration shown by you in ordering an increase of our salaries.

I, in particular, take this opportunity to state to your excellency that I deem myself most highly honored by the many distinctions which your excellency has seen fit to confer upon me.

Receive, sir, this manifestation of our regard and gratitude.

C. S. ARELLANO,
President Supreme Court.

MANILA, April 30, 1900.

The entire native civil departmental force of the islands and native and Chinese governmental employees of every class, together with many of American and European nativity and citizenship, whether employed for strictly civil duties or for labor in connection with the troops, are paid in the currency of the country, in which amounts of compensation to be received are agreed upon when services are contracted for, whatever the market value of silver at time of payment. All employees secured in the United States and some hired in the islands receive in pay for services, by prior agreement, fixed amounts in gold, as must also all United States officers and soldiers. The consideration appearing in contracts for the furnishing of material, supplies, or labor is generally definitely expressed in the currency of the country—always so unless purchases abroad are involved, and even then in many instances. All public money receipts obtained from cus-

toms and internal revenue are calculated in the monetary unit of the Philippines, the silver peso, and are paid in that currency. All public remittances from the United States are in gold.

The only sufferers from these two kinds of currency which are in circulation would appear to be holders of gold who are obliged to convert the same into silver through the island banks, and the exporting merchants who require large amounts of silver for island purchases in seasons when silver is scarce and difficult to obtain; for all private business and enterprises are conducted on the silver basis of which the mass of the inhabitants have knowledge only. Still the importing merchant can not be certain of the pecuniary results which will attend his foreign purchases. With silver he buys in Manila the gold with which to make his foreign payments, and fluctuating rates of exchange may add materially to his future profits or involve him in loss, especially if he is obliged to contend with sharp competition. The question of the currency has been the subject of much study. Until the revenues are paid in gold it will not be circulated in the islands, but will be hoarded or gathered and shipped to other countries as has been done during the past two years; and the revenues can not well be collected in gold until the complicated revenue laws are amended and it is furnished in sufficient quantities through Government aid to inaugurate such action. To oblige the inhabitants to make gold payments for customs dues and internal taxes in the present state of affairs would compel them to barter their silver for gold at very high rates of exchange, which they could ill afford. The following extracts from last year's report are explanatory of existing conditions:

The money in circulation, therefore, in the Philippines is less than thirty millions of silver dollars or the equivalent—a very small sum to transact the volume of business; but then a large share of this trade depends upon credit and the exchange of the country's products, so that comparatively little money is required to conduct it. However, during the yearly periods of greatest exportation money to move the crops becomes very scarce and the rates of exchange high. * * * In Spanish times when money was in great demand the price of the Mexican dollar was considerably above its Hongkong value in gold and sold in Manila for from 10 to 15 per cent more than its actual value. The currency of the country still fluctuates daily according to the price of silver in the great money markets of the world and has no stable value. This, however, appears to affect very little ordinary business unless purchases of merchandise and services must be paid in gold, when these fluctuations enter largely into the calculations of profit and loss. The merchant who buys gold in Manila must pay not only the rate of exchange, but the estimated cost of transporting the metal, and if he wishes to convert gold into silver he must pay high exchange rates and the cost of shipment of the Mexican dollar. The public revenue is paid in the currency of the country, as is most expedient, else daily silver fluctuations would necessitate daily difficult calculations upon the gold value of the money offered at the various public offices; but as it is for the most part expended here for services and on local contract purchases, the difficulties attending rates of exchange are not serious.

To the question of the practicability of collecting customs duties in United States currency I replied briefly by cable on March 9, 1900, as follows:

Can collect customs duties in United States currency if Mexican dollar is given fixed value for successive period of month or three months. Would probably increase circulation; not result in saving exchange. Little gold available; large amounts exported to China and hoarded. Gold duty payments would compel merchants to pay high fluctuating prices for gold. Gold duty complicated; reduction to gold difficult unless Mexican dollar given fixed value for certain definite time. Gold not circulating in hemp, tobacco, sugar, copra districts; natives not educated to it, and as producers would be at mercy of purchasers. If duties collected in gold, Government would

still need Mexican dollars for island expenditures, for which exchange must be paid, and thus double standard continued. Gold payments in all Government transactions would raise price labor and commodities and unsettle business. Natives prefer two pesos to one gold dollar. Time not propitious to change money standard.

To fix the uniform rate of the Mexican dollar for a certain definite period of time, either by large purchases in foreign markets or arbitrarily, was not favorably considered by the Treasury Department, and it advised that for the present "the accounts of moneys received from duties, taxes, etc., by the military government of the United States in the Philippines be kept in the currency of the country--the Mexican standard."

The limited amount of Filipino money in circulation (about thirty millions of silver dollars) is increasing probably, as the Spanish decree of 1878 prohibiting the importation of Mexican dollars of a mintage later than that date except under excessive duty payments has not been enforced. In the summer of 1899 there was not sufficient copper coin in circulation to enable the natives to carry on the business of marketing their produce and making the payments demanded by the city license and market laws, as it had been collected and shipped for the slight premium realized for its sale in foreign parts. Merchants desired to import from Singapore, but the suggestion was not favorably considered, and the difficulty was met by issuing to the banks of Manila certain amounts of the copper coin belonging to the Spanish seized funds which were on deposit in the general treasury. There were there in store \$300,000 in this coin, and from it issues were directed to be made to the city banks for circulation in sums as requested, but the total to be delivered to them was not to exceed \$10,000 in any one month. A brief allusion to this subject has already been made on page 255, and the orders issued to prevent the shipment of the coin are thereon set out.

The customs regulations have received occasional amendment, but only in minor particulars and when cases arose which they did not meet. The first revised codification was issued on October 26, 1898, to take effect on the 10th of the following month. The second was published on October 23, 1899, under the following explanatory instructions:

The "Customs tariff and regulations" promulgated in General Orders of October 26, 1898, from this office, having been amended from time to time since that date, the following revised printed schedule of the same, which contains all amendments to September 1 last, is published for the information and guidance of all concerned.

Upon the occupation of any ports or places in the Philippine Islands by the forces of the United States, not as yet in United States occupancy, this order will be proclaimed and enforced.

Very few amendments have been made since the last above-cited date, and the regulations still in force are substantially those prescribed by Spain prior to the late Spanish war. In many features they bear heavily on the inhabitants, also on our merchants, who naturally desire to secure those advantages of trade which the cession of the islands to the United States was supposed to confer. The Board of Commerce of San Francisco took this matter up for consideration, and relying upon what it was informed was the customs practice in Manila, charged that merchandise manufactured in and shipped to the Philippine Islands from the United States was subject to a higher duty than Spain paid on the same classes of goods. To this charge a reply was rendered on October 7, 1899, that "the same customs duties are exacted on all goods and merchandise introduced from the United

The suspension of duties on fresh meats and vegetables was made necessary at the time Manila was cut off from other island ports. It was impossible to get fresh meats and vegetables from the interior for the large Manila population, and the high duties made it impracticable to obtain them from other Asiatic ports. By suspending duties we were enabled to get fresh beef and a large amount of vegetables from Chinese ports, and by these means the Manila population was carried through the months of the war. Vegetables were obtained at a comparatively moderate figure, but owing to the prevalence of cattle disease in China it was hard to obtain meats, and the price of fresh beef rose 200 per cent, making it almost impossible for the laboring classes to obtain a supply. By reason of the cattle disease throughout the island, which has prevailed for the last two years, it is now well-nigh impossible to secure sufficient good meat for the Manila market at a reasonable figure. We are at present securing it from the smaller islands, and probably in the course of a few weeks it will be abundant.

With the large increase in wages which has followed United States occupation (a rise of more than 100 per cent), the price of all commodities has correspondingly advanced and probably old prices will never again prevail.

As regards the tariff, it may be said to be a very complex one, made so by numerous amendments which Spain engrafted upon the original scheme to meet temporary pecuniary difficulties. It is complex, cumbersome, and needs recasting.

Very respectfully,

E. S. OTIS,
Major-General, U. S. V.,
U. S. Military Governor in the Philippines.

I have been informed that by direction of the War Department a board of officers has been called very recently to recommend the modification or revision of the customs regulations, two of the members of which have had extended practical experience in their application. The board's report will contain valuable recommendations and suggestions looking to the welfare of the inhabitants of the islands and the growth of American trade therein. On September 20, 1899, Lieutenant-Colonel W. F. Spurgin was appointed to the position of collector of customs of the islands and of the chief port of Manila, made vacant by the death of Lieutenant-Colonel Miley. The service has steadily improved as regards character and ability of employees and methods of transacting business, also in the addition of facilities and accommodations. Old buildings have been renovated and new substantial storehouses made necessary by gradually increasing trade, have been erected during the past year.

The internal-revenue bureau has been a fertile field of research and discovery for the officers connected with that department of the civil service. The particular features of Spanish taxation were difficult to determine, and what portion of the taxes collected belonged to the general and what to subordinate governments was at first matter of contention between our interested officers. Until 1893 all provinces and cities of the islands were under the direct control of the officers of the general government. In that year the Spanish minister of foreign colonies, Minister Maura, proposed the reorganization of municipalities, giving all having a numerical population above a certain number municipal councils, which should have power to conduct their own internal affairs, subject to the inspection of administrative officers of provinces. In addressing his project to the Queen he made use of the following significant language:

The local institutions of the Philippine Archipelago have arrived at such a state of decadence and misunderstanding that those of their members who have not been corrupted are atrophied and useless. * * * The general administrators assumed cares that are naturally incumbent upon inhabitants of cities, and as a consequence it was necessary to take charge also of administering the local resources, hoping for better results than those obtained from the administration of native tribunals.

within eleven thousand of five millions of dollars, or at the rate of \$15,000,000 Mexican per year. It is believed that the public receipts for the present year will aggregate twenty millions, a sum greater by two and one-half millions than Spain ever obtained in the same period, and this notwithstanding that no revenue has been received from lotteries; the gambling, opium, and cockfighting contracts; very little from cedulas and none from convict labor; Chinese capitulation taxes, sales of public lands, profits of the mint and local consumption, tobacco taxes, from all of which Spain realized annually more than \$6,000,000. The customs collection alone for the four months ending July 31 last, since the ports of the islands have been opened to trade, amount to \$5,500,000 Mexican. From this source alone it is fair to presume that fifteen millions will be realized for the year ending December 31, and Spain never secured more than half that amount in the same period. In my last annual report I remarked that "with the restoration of peace and active business conditions, the development of natural resources, the introduction of machinery and practical business enterprises, the construction of railroads and highways, and the encouragement of the people in profitable labor, I am convinced that trade and commerce would be greatly increased and the amount of revenue doubled in a short period of time without imposing the burdens which were complained of during Spanish supremacy." The results of the year have strengthened that conviction.

The total of treasury receipts during the first year of Manila occupation (the year ending during August, 1899) were \$8,239,435 Mexican. The treasury balance on August 31, 1899, was 1,364,085 pesos. Since then to April 30, 1900, a period of eight months, there were received \$8,596,316. During this latter period the treasurer transferred to meet the expenses of the customs department nearly \$151,000; for internal-revenue expenses, \$56,000, and for miscellaneous expenditures, \$7,051,697. Both the customs and internal revenue departments have erected or extensively renovated buildings which were required for or which were in use. The miscellaneous expenditures have been made in both the war and civil branches of the Government, largely in the purchase and hire of vessels and land transportation, in the erection of barracks, hospitals, stables, storehouses, and other buildings for military purposes, in the erection of bridges and public market accommodations and kindred needed city improvements, and in railway construction.

The expenditures have been made by a few officers, who have been held to a strict accountability and whose accounts have been subjected to periodical inspections. As early as September 5, 1898, regulations for the disbursement of the public funds were issued. They required that timely requisitions be submitted to headquarters by chiefs of departments, in which the purposes for which funds were requested with amounts in detail must be stated; that upon these requisitions the military governor would make such allotments of funds as he deemed necessary and draw warrants therefor on the treasurer; that at the end of each month officers charged with the disbursement of funds must render to the auditor of public accounts complete returns of all receipts and expenditures upon certain authorized blank forms which were prepared and distributed. The office of auditor was created, Major Charles E. Kilbourne, of the pay department, was appointed to the position and was directed to carefully examine all

concern and mature deliberation. In reducing the number of licenses which Spain granted freely the natives complained grievously that they were deprived of the privileges which Spain bestowed. Notwithstanding these complaints they were greatly diminished, but could not be entirely withheld, nor could the traffic be destroyed by any means within our power. Experience led to the belief that it could be controlled through careful manipulation under a stringent license law, and General E. B. Williston, the provost-marshal-general of the city, caused to be prepared and submitted certain recommendations on the subject which were embodied in orders and duly promulgated. The orders are as follows:

GENERAL ORDERS }

No. 2. }

OFFICE U. S. MILITARY GOVERNOR

IN THE PHILIPPINE ISLANDS,

Manila, P. I., January 4, 1900.

* * * * *

II. Commencing February 1, 1900, the following regulations shall govern the issue of licenses for the sale of liquors within the city of Manila, but neither the wholesale liquor houses of the city, nor the present rules concerning the sale of "native vino," "anisado," and other intoxicants commonly known as "native drinks" shall be effected thereby:

1. The city is hereby divided into two districts known as first license district and second license district.

The first license district shall include all that portion of the city within the following boundaries:

Commencing in the district of Quiapo at the intersection of Calle Globo de Oro and Calle Echague, thence in a northwesterly direction along Calle Echague to Plaza P. Goiti; thence in a northeasterly direction along said plaza and Plaza Santa Cruz to the intersection of Calle Almansa and Plaza Santa Cruz; thence in a northerly direction along Calle Enrile to Calle Lacoste; thence in a westerly direction along Calle Lacoste to Calle Sacristia; thence along Calle Sacristia in a southwesterly direction to the Plaza Calderon de la Barca; thence northwesterly along said Plaza, Calle Jolo, and Calle Lemery to Calle Azcarraga; thence southwesterly along said Calle Azcarraga to the Bay of Manila; thence southerly along the shore line of the bay to the Pasig River; thence westerly along the north bank of the Pasig River to the Puente Colgante; thence along the north approach to said bridge to the point of beginning, viz, intersection of Calle Globo de Oro and Calle Echague, and all frontages on all the streets and plazas above named within said district.

The second license district shall include all parts of the city within the city limits and its attached barrios, not included in the first license district.

2. For saloons or shops where beer, whisky, cordials, and other intoxicating liquors are kept for sale to be drunk on or about the premises, a license may be issued for periods of six months on payment of \$600 Mexican currency, if located within the first license district, and \$250 if located within the second license district.

3. For saloons or shops where beer and light wine only are kept for sale to be drunk on or about the premises the license fee shall be \$100 Mexican currency for six months, if located within the first license district, and \$50 if located within the second license district.

4. None of the above-mentioned licenses shall be construed to include the privilege of selling native wine commonly called "vino," "anisado," and other intoxicating drinks commonly called native drinks.

5. The holders of licenses for the sale of any intoxicating liquors must at all times maintain a quiet and orderly place, and under no circumstances sell or serve or permit any servant or agent to sell or serve intoxicating liquor to any person while said person is in a state of intoxication, or allow or permit a person while in a state of intoxication to remain in or about the premises where the liquors are kept for sale.

6. All saloons or shops where intoxicating liquors are kept for sale must be closed and remain closed on Sundays, and on week days between the hours of 8.30 p. m. and 6 a. m., and it shall be unlawful to sell any intoxicating liquor between the hours above named and on Sundays, except as follows:

Bona fide hotels may be granted the additional privilege of serving liquor to bona fide guests of the hotel in the rooms of the hotel and at meals at all hours of the day and on Sundays (the same being so stated on the license) on the payment of an additional license fee as follows:

For hotels holding a license of the class mentioned in paragraph 2 of this order,

\$200, Mexican currency, for six months if located in the first license district, and \$100 if located in the second license district.

For hotels holding a license of the class mentioned in paragraph 3 of this order, \$75 if located in the first license district, and \$40 if located in the second license district.

7. It shall be the duty of every holder of a license for the sale of intoxicating liquor to comply strictly with every police regulation now in force or that may hereafter be issued by proper authority, and any violation of any of the provisions of this order or any other regulation in force, shall subject the guilty party to a fine or imprisonment, or both, and to a forfeiture of the license.

8. All licenses herein mentioned shall be issued by the department of licenses.

No licenses will be granted for the sale of any intoxicating liquor in the public markets or in kiosks, booths, or stands, situated in the public streets or plazas, or to street vendors or peddlers.

By command of Major-General Otis:

THOMAS H. BARRY,
Assistant Adjutant-General.

These instructions have been faithfully executed. The restraining influences have resulted in placing the liquor traffic under the control of the police and their officers, and have been attended by the reforms anticipated and promised. I doubt if there is anywhere a more quiet and orderly city than Manila has been for the past year, and this notwithstanding its great mass of floating population of divers nationalities and the dense ignorance of a portion of its inhabitants; or a city in which proper punishment for crime is more swift and sure. The records of the courts, both civil and military, are cited in proof of this statement, and the native applications for redress for supposed wrongs or injuries suffered show that the native population has confidence in the justness of our Government.

Not only is the population and business of the city increasing, but that population is passing through a rapidly changing social environment, due to the introduction of new methods and improved labor conditions, also to recent greatly augmented real property values. The site of a good part of the city is but from 3 to 4 feet above tide water. It is cut centrally by the Pasig River, from which extending into portions of its important business localities are esteros now made available for transporting by water its supplies and merchandise. The low level of the place makes it difficult to construct a general system of sewerage which for the preservation of health is the subject demanding early consideration. By confining and walling the esteros which are swept by tide water, an important canal system could be obtained and the most of the present accumulating sewage could be sent out to sea. This would impose a heavy expenditure, but will in time be accomplished; and so beneficial would it be to the trade and commerce of the islands that the general revenue might with propriety be appropriated for the work. But public improvements, especially in the matter of transportation facilities, are demanded throughout all the larger islands and would be attended by a compensating increase in the products of the soil and commercial activity while it would advance with rapidity the education and enlightenment of the inhabitants. The general revenue can not be expended more advantageously than for this internal development.

In concluding this report, in which I have endeavored to separate affairs of a strictly military character from those connected with civil matters, I desire to add to the first portion (that which presents the operations of troops) a brief statement of war casualties, which was inadvertently omitted therefrom. During the eight months of active campaigning—from August 31, 1899, the date of my former annual

report, to May 1 last --our entire loss in killed and wounded was: In officers, 16 killed, 32 wounded, and 9 who subsequently died as the result of wounds; and in enlisted men, 177 killed, 473 wounded, and 56 who died from wounds received. The missing from all causes were 2 officers and probably 50 or 75 enlisted men, a number of whom have been recaptured or have escaped and returned to their commands. Attention is invited to page 198, wherein comment is made on the causes and nature of these captures. Our loss by death through disease was 11 officers and 623 enlisted men. The average enlisted United States military force in the Philippines, including all officers and enlisted men, for this eight months period numbers 54,204. It will therefore be perceived that our death loss, considering strength, the great number of engagements which took place, and the extended field of operations, was surprisingly slight, it being only a loss through casualties in battle of 1.56 per cent and from disease of 1.17 per cent of the entire strength of the command, or a total loss of 2.73 per cent from all causes. These figures only record actual deaths in the Philippines, and do not include the men who were returned to the United States on account of sickness contracted in the Philippines, some of whom died after leaving the islands. Our loss in effective strength by sickness is given on page 15.

In any attempt to approximate the number of United States troops which must be maintained in the Philippines for purposes of police, either in the immediate or distant future, intelligent calculation can not be made. Spain, during the latter years of her control there, had about 25,000, largely made up of natives until 1894 and 1895, and subsequently when she dispatched her home troops to quiet the rebellion. A number of the native military organizations deserted to the enemy, while some adhered to her fortunes to the last. With comparative peace restored an army of 25,000 or 30,000 men would be ample to give the inhabitants all needed protection, and possibly a less number would prove sufficient. For the ensuing year it would seem to me that 40,000 soldiers should be maintained there, while the inhabitants are becoming settled in homes and civil pursuits.

I am convinced from observation, investigation, and the expressed opinion of the educated men of the islands that the declared guerrilla warfare will cease within a few months, and that ladrone organizations or robbers in small bands who well know the legal penalties they invite will alone remain to terrorize the people. It will cease so soon as a few insurgents of former influence (among whom I class particularly members of the insurgent Hongkong junta who have fattened on the proceeds of the money forcibly taken from the natives) lose their power to deceive the inhabitants with the statements that the United States troops are retained in the Philippines to impoverish and enslave them, and that only by continuing their feeble resistance a little longer can they hope to escape those disasters. It will cease so soon as the people gain knowledge of the fact that whatever policy controls the political affairs of the United States that Government must continue to hold the islands, as it is bound in morals and law to do, at least until a government sufficiently strong and enlightened to protect life and vested individual property interests and to administer justice can be established. The people are acquiring this knowledge rapidly. The ladrone element is large, and in Spanish times was more numerous in some of the islands than it is at present. The American soldier has the inclination and ability to crush it and will be successful.







14. Indicate the correct answer.



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